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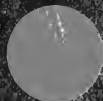
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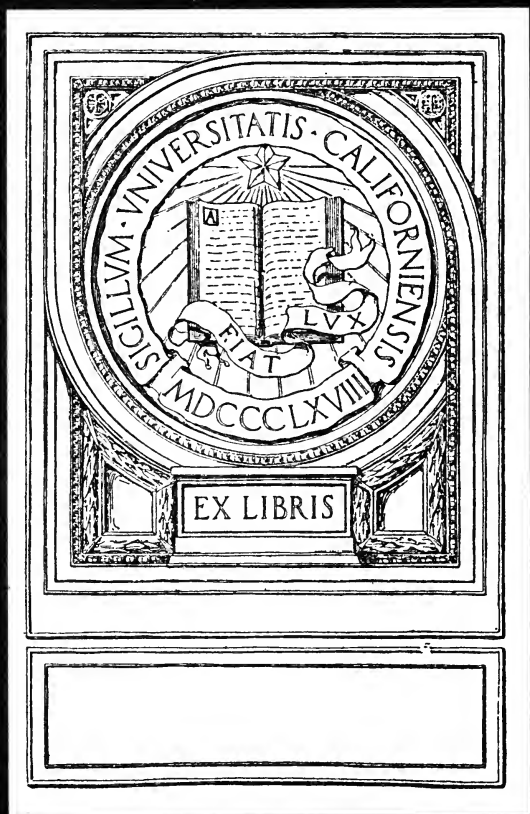
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# A GUIDE TO THE EDUCATION ACT 1918

by

**K. E. T. WILKINSON,**

B.A., LL.B.,

*Chairman of the City of York Education Committee.*

With a foreword by

**ARNOLD S. ROWNTREE.**



Price 1s. 6d. Net.

**THE ATHENÆUM**

Literature Department,

10 Adelphi Terrace,

LONDON,

W.C.2.



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*FIRST EDITION, DECEMBER, 1918.*

*SECOND EDITION, FEBRUARY, 1919,*

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## FOREWORD.

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"The province of popular education is to equip the men and women of this country for the tasks of citizenship. All are called upon to live, many are called upon to die, for the community of which they form a part. That they should be rescued from the dumb helplessness of ignorance is, if not a precept of the eternal conscience, at least an elementary part of political prudence, to which the prospective enfranchisement of several million new voters, male and female, adds a new emphasis. . . . But the argument does not rest upon grounds of political prudence only ; but upon the *right of human beings to be considered as ends in themselves* and to be entitled, so far as our imperfect social arrangements may permit, to *know and enjoy* all the best that life can offer in the sphere of knowledge, emotion and hope."

H. A. L. FISHER.

THE Education Act of 1918 which Mr Fisher with great skill has just piloted through Parliament will stand with that of 1870 as a great landmark in educational history.

A comparison of the two Acts shows how remarkable has been the development of English Education during the past half-century—an advance due to the increasing recognition on the one hand of the essential worth and dignity of the individual, and on the other hand of the urgent national necessity for the cultivation of the latent powers of the democracy if they are worthily to play their part in the life of the world of to-morrow.

The Act, as Lord Lytton said in introducing it into the House of Lords, is a war measure



in the sense that though the lives lost in the war cannot be replaced, every endeavour should be made to improve the value of what is left to us.

But the Act itself is merely a framework which has yet to be "filled in with living ideas and used for the best purposes." Carefully drafted though it is, it is nevertheless an intricate measure and will make large demands on Local Education Authorities. For those Authorities are to prepare schemes "for the progressive development and comprehensive organisation of education in respect of their area," and such schemes are to be submitted to the Board of Education for approval and for substantial grants in aid. State Education may in future begin at the age of two, and must continue, when the Act comes into full working order, up to eighteen. The process will be by three stages ; firstly, nursery schools up to 5 (or 6) ; secondly, elementary schools up to 14 (or 15) ; and, thirdly, continuation schools up to 18. Not only so, but the exploitation of child labour is radically curtailed ; half-time is abolished ; medical treatment is made obligatory in elementary schools and may be extended to continuation schools ; physical training will be provided for children and young people ; crippled and defective children will receive special care and tuition ; the curriculum of the normal child is to be made more practical and some real approach is to be made towards equality of educational opportunity for all.

There can be no question that these reforms will be far-reaching and radical in their results.

It is a splendid task to be thrown upon the local administrator, who in these matters kills or makes alive. Intelligently and generously administered, the Act will prove a great emancipating force.

But the proposals embodied in the new "schemes" must not be left solely to the goodwill of the local administrator. One of the provisions of the Act gives the opportunity to the public (including parents and teachers) to criticise the schemes before they are sent up for approval to the Board of Education. It is to be hoped, therefore, that in many areas conferences will quickly be arranged amongst those interested in education, to discuss with the Local Authorities the general outlines of their schemes. But first it is essential that the powers which the Act gives should be understood, and it is here that the value of Mr. Wilkinson's book will be evident. He writes not only with the detailed knowledge of an educational expert, but with large experience gained by his Chairmanship of the Education Committee of the York City Council, where he has shown himself a skilled and sympathetic administrator. With this background of knowledge and experience he guides us through the measure and with great clearness explains its intricacies.

The efficient practical working of the Act of course rests primarily upon the teachers. That they will rise to their new opportunities is certain. They have a record of splendid devotion to their all-important work even under the discouraging conditions under which they hitherto have laboured.

Over 165,000 teachers have the care of 6,000,000 children of the nation during their most impressionable years. In addition there will now be required several thousands of teachers for the new continuation schools. An avenue of service of infinite value to the community is thus opened out, and it is earnestly to be hoped that many of our most efficient men and women, including those who have been engaged in various forms of social service in connection with the war, will feel themselves drawn to enter upon it and will come forward in the immediate future with an offer to undergo the necessary form of training. No other task is of equal national importance with this. It is therefore of the utmost consequence that the conditions of service should be such as to attract the very best type of young men and women into the profession.

The new scales of salaries and the proposals for a generous scheme of pensions will do much towards this end, and will help to insure that enhanced status and more generous public recognition of the value of the teacher's office which has so long been overdue.

I am writing this immediately after the close of the great war. Whilst we are thankful for the signs in all countries of the growing power of democracy, two thoughts emerge with growing insistence. Firstly, if democracy is to succeed where autocracy has failed, it must be educated and enlightened. Secondly, if the frightful loss of life caused by the war is in any degree to be made good, far greater care must be taken that every child may become a potentially useful citizen.

Recently we have been told by the Chief Medical Officer to the Board of Education that not less than a million children are "so physically or mentally defective or diseased as to be unable to derive reasonable benefit from the education which the State provides."

It will be clear to all educationists that the new consciousness of the value of human personality will show itself in a readiness to utilise to the full the new powers which the Act gives to prevent this terrible waste of valuable lives.

"It is for all lovers of their country and of their fellowmen, for all who are determined to win a better day as a result of the war, to accept this instrument and secure, by its wise and bold use, the full measure of its splendid value."

ARNOLD S. ROWNTREE.

York,

Nov. 15th, 1918.

## INTRODUCTION.

THE Education Act, 1918, will take its place with the Acts of 1870 and 1902, as an important stage in the progress of public education in England and Wales. It is remarkable in that it avoids almost completely the religious or sectarian controversies which have wrecked so many Education Bills. It does this by accepting the principles of the settlement effected by the Act of 1902.

Instead of attempting to alter the relations of denominational and undenominational institutions, the framers of the Act have set before themselves the object of building upon the existing foundations a complete and comprehensive system of public education, and have expressed their ideals in the words of the Act itself. "*With a view to the establishment of a national system of public education available for all persons capable of profiting thereby. . . .*" (Sec. 1.) "*It shall be the duty of a local education authority . . . to make adequate and suitable provision in order that full benefit may be derived from the system of public elementary schools . . .*" (Sec. 2.) "*With a view to continuing the education of young persons and helping them to prepare for the freedom and responsibilities of adult life . . .*" (Sec. 8.)

In pursuance of these high ideals the Act makes extensive and important improvements in all departments of public education. If it

will not realise the aspirations of educational reformers towards a free highway from the elementary school to the University, it certainly brings these aspirations a step nearer to reality. Sec. 4 (4) enacts that "*In schemes under this Act adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.*" The Act is a remarkable achievement for a time of war, and is a testimony alike to the skill and enthusiasm of the President of the Board of Education and to the revival of interest in education which has marked the last few years.

In the region of ELEMENTARY EDUCATION the Act abolishes all exemptions below the age of 14, it provides for the extension of compulsion up to 15, and allows selected schools to keep voluntary pupils to the age of 16 and beyond. For these additional years of schooling there is provided a great widening and deepening of elementary instruction. School fees are to be totally abolished (except in special schools for defectives, etc.), medical treatment as well as inspection will become universal, juvenile labour is further restricted, and broken school terms will be avoided.

FURTHER AND HIGHER EDUCATION will be envisaged as a whole through the obligation to frame schemes for the organisation and co-ordination of these branches of work right up to the University, and for the first time the educational duty of the state towards adolescents is recognised in the establishment of free compulsory continuation schools for

young persons, at first up to the age of 16, and after an interval to the age of 18.

For the first time too, local authorities are enabled to establish NURSERY SCHOOLS for infants between the ages of 2 and 5.

Among ADMINISTRATIVE AMENDMENTS may be mentioned the consolidation of the existing ordinary grants into a single substantive grant for all the ordinary elementary work of the area, and the provision that at least half the approved expenditure shall be met by grant.

The procedure by SCHEME will enable the Board to insist on a progressive improvement of education in all areas, from the best to the poorest, according to their needs and abilities.

Details of all these matters will be found in the notes to the sections which relate to them, but some are sufficiently important to receive general discussion below.

It must, however, always be remembered that not all these reforms come into operation at once. For some we shall have to wait till the conclusion of peace ; for some even longer. The Act is to come into force on the appointed day, and the appointed day is to be such day as the Board may appoint, and they may appoint different days for different purposes, provisions, areas and persons.

Certain sections were brought into force on the passing of the Act (August 8th, 1918) by order of the Board, and others have been brought into force since. The President\* stated in Parliament on the 16th July, 1918, his intentions with regard to the remainder of the Act. Details will be found in the notes to the

sections ; here it may be sufficient to say broadly that while for the great and striking improvements (such as the raising of the school age and continuation schools), we must wait for a little time longer, many useful administrative reforms are brought into operation at once.

### SCHEMES.

The most arresting of the administrative reforms effected by the Act is the new procedure by Scheme. Hitherto an educational service has either been obligatory on all authorities, or entirely optional, and there has been no power to compel any single authority to exercise an optional power, however desirable in the particular case. By this Act every authority may, when they think fit, and must, when required by the Board of Education, submit to the Board schemes showing what they propose to do, and when and how. When after the appropriate procedure the scheme is approved by the Board, it becomes the duty of the authority to carry it out. Thus services may become obligatory in one area and not in another, and it will be possible to show leniency to a poor or backward authority in respect to a particular service without also excusing all others.

Schemes under the Act are required for three purposes : under CLAUSE 1 for the progressive development and comprehensive organisation of education ; under CLAUSE 2 for the organisation and improvement of elementary schools and matters connected therewith, and under CLAUSE 3 for the organisation of continuation schools.



*Procedure.*

The procedure to be followed in the preparation and submission of schemes has been modified in deference to the criticisms of local authorities and others. As it now stands, it is as follows. Before submitting a scheme, the authority must consider any representations made to them by parents or other persons or bodies of persons interested, and take steps to ascertain their views and to publish their own proposals. They must have regard to the existing or proposed supply of non-provided schools and colleges, and must see that adequate provision is made of all forms of education for those who cannot afford to pay fees.

If the Board approve a scheme it will become the *duty* of the authority to give effect to it. Thus education services which are now only powers will, as regards the authority, become duties. If the Board think the scheme inadequate, they will endeavour to get the authority to agree to amendments. If this fails, they are to hold a conference with the authority, and if the latter desire it, a public enquiry. If this does not result in agreement, the Board will notify the authority of their disapproval of the scheme, and if within one month thereafter agreement is not reached, they are to report to Parliament the result of the public enquiry (if any), and their reasons for their disapproval, and the action they propose to take by way of withholding grant.

The procedure on public enquiries is governed by Sec. 40.

### *Scope of Schemes.*

It is not clear what is the relation between the three kinds of schemes.

*Schemes under Sec. 1* would appear to cover the whole ground of educational work. They are to be submitted by Counties and County Boroughs (Part ii. authorities). Under *Clause 4* before submitting a scheme, the county authority is to consult the Part iii. authorities within its area as to the co-operation they will render, and the Part iii. authorities may themselves submit schemes direct to the Board.

*Schemes under Sec. 2* are to be submitted by Part iii. (elementary) authorities. They are to show the provision proposed to be made (a) for practical and advanced work in elementary schools, (b) for medical treatment, and (c) for co-operation with Part ii. authorities in matters of common interest, particularly the access to further education and the supply and training of teachers.

*Schemes under Sec. 3* are to show the proposed provision for the new Continuation Schools. This is an obligation laid on Counties and County Boroughs (Part ii. authorities), *i.e.*, the education will be further or higher education, not elementary. Note that here also, the Part ii. authorities must first consult the Part iii. authorities within their area as to the co-operation to be expected from them, and the Part iii. authority may, if they wish, submit an independent scheme, as regards their own area, direct to the Board.

The President has appointed a Committee to consider what matters should be included in Schemes, and to what extent requirements as to the form and contents of schemes should be made by the Board. It has been stated that the Board does not propose to issue a model scheme.

The sections of the Act relating to this matter will be brought into operation as soon as sufficient time has elapsed to allow authorities to frame schemes, and to discuss them with the Board.

### CONTINUATION SCHOOLS.

These constitute the most striking of all the developments of education made possible by the Act. Henceforward all children not being otherwise educated must attend continuation schools between leaving the elementary school and attaining the age of 16 (and after the lapse of seven years, the age of 18), for the equivalent of two half days or one whole day a week for forty weeks in the year. The instruction given must include physical instruction, and will no doubt in practice comprise both a general education and some vocational or practical teaching. Authorities are to consider whether they should not co-operate with Universities in the provision of lectures and classes. The instruction is to be free without exception.

### *The Provision of Schools.*

The whole provision need not be made by the authority. They may include in their scheme (*e.g.*), "works schools" established

or to be established, and schools set up by a particular denomination. Such non-provided institutions, however, must be "established and maintained under the control and direction" of the authority, and a works school must be open to inspection either by the authority or the Board at the option of the Managers. The difficulty of carrying on a works school will be increased by the option of choice given to pupils, referred to below.

### *The Period of Attendance.*

The hours of attendance are to be 320 a year, distributed as may best suit the locality, but during the first seven years the authority may reduce the hours to 280. This concession was stated by the President to be made so that one full day of seven hours might be substituted for two half days a week. In addition to the hours of attendance the authority may require the young person's employment to be suspended for an additional two hours or less so as to secure that he may be in a fit mental and bodily condition to attend school.

Attendance is not to be required on a Sunday or holy day or holiday or half holiday, nor before 8 a.m. nor after 7 p.m. It is clear, therefore, that the new continuation schools cannot be staffed, as evening schools so largely are at present, by elementary teachers working overtime.

Attendance will not be enforced on anyone over 14 on the appointed day, and for the first seven years the obligation will cease at 16 instead of 18, but of course subsequent attendance voluntarily will be permissible.

The obligation will be enforceable by fines inflicted on the young person, and on the parent or guardian, if he has "conducted to, or connived at" the failure to attend. The employer is also liable if he does not give facilities for due attendance.

### *Exemptions.*

The obligation to attend a continuation school does not extend to those :—

(a) Who are above 14 on the appointed day.

(b) Who are in the sea-service under specified conditions.

(c) Who are at least 16 and have passed a matriculation examination or have had satisfactory full time schooling up to 16.

Further the obligation is suspended in respect of those :—

(d) Who are for the time being under suitable and efficient full-time instruction.

(e) Who are under suitable and efficient part-time instruction equivalent in duration to that of the continuation schools.

### *Organisation.*

For the purpose of organising the continuation school system the authority may prescribe the days, hours and school which each young person is to attend. They must, however, have regard "as far as practicable" to any preference which the young person (or the parent of a young person under 16) may express. Further they shall not require him to attend

a works school of the works at which he is employed without his (not his parent's) consent, and the consent, if given, may be revoked by a month's written notice. It would seem, therefore, that the position of a works school will be somewhat precarious, for in the event, say, of a labour dispute, it may be in the power of a trade union almost to empty the school on a month's notice. It would be possible, however (in theory at any rate), to carry on a works school in spite of non-recognition by the authority, making attendance a condition of employment, and relying on the exemption given by Sec. 10 (3) (ii.) to young persons who are "under suitable and efficient part-time instruction in some other manner" than in a recognised continuation school.

### *General.*

It is difficult to foresee what will be the character in practice of these new and untried schools. Clearly they will be very different from the present elementary schools. The pupils, older in years, and earning their own living for the greater part of their time, will no longer consent to be treated as children. Nor will the power to inflict a 5/- or 20/- fine be very effectual in enforcing attendance, if the teaching is felt to be distasteful or useless. It will be necessary to interest the pupil in the instruction and to make him see its utility. The hours of instruction will be all too short. If the teacher is to get hold of the pupil, the classes must be reduced in size to those of a secondary school. Even so, the teacher's task will be difficult enough, for if he is employed full time, as presumably he must be, he will have four

or five different sets of pupils through his hands every week.

It is fairly clear that if the Continuation Schools are to exercise the influence on the pupils' lives, which is so much to be desired, much must be done outside the compulsory 6 or 8 hours. In the first place, in addition to the compulsory physical drill, there should be a complete organisation of camps and sports and outdoor clubs of all kinds for the summer evenings and holidays. Wide additional powers for these purposes are conferred upon authorities by Sec. 17 of the Act.

Secondly, a similar organisation will be needed of all sorts of indoor recreations, clubs and societies. In both these directions full advantage can be taken of the many existing recreative agencies, but the gaps should be filled by new clubs organised in connection with the school. Every pupil of a continuation school should be a member of a club of some sort. Thirdly, the compulsory continuation school should be linked up with the existing evening schools. There is no reason why young people, who are now willing to attend evening schools voluntarily after a full day's work, should not continue to do so when schooling has for two half days been substituted for industry. In all these developments the teacher, if he is wise, will take a large part, and the conditions of his employment must be such as to allow him to do so without overstrain. The defenders of our public schools always lay great stress on the value of free out-of-school activities. If they are valuable in a full-time boarding school, they should be still more

valuable—though obviously harder to arrange—where the schooling is only 6 or 8 hours a week.

As to the curriculum, it is not easy at this stage to go into details. It will be of the first importance to continue the general education, for citizenship must come first. But also, if only for the sake of enlisting the co-operation of the pupil, and so that the education may not be felt to be too much in the air, there must be vocational or practical training as well. The problem of organisation will thus be extraordinarily complicated, for there will be cross-differentiations (*a*) by age, (*b*) by sex, (*c*) by vocation, (*d*) by ability, (*e*) if works or denominational schools are recognised, by occupation or denomination as well ; and in addition the individual preferences of the young persons are to be recognised, as far as possible. \*

Authorities will, however, have time to look about them. The President has stated that in fixing the appointed day, time will be given for framing schemes and making arrangements. Further, the pupils will only come in by degrees, as they leave the elementary schools at the end of a term. If the yearly output of the elementary schools is 900, there will be about 300 pupils coming into the schools in January ; another 300 after Easter, and another 300 in August or September. The same process will be repeated the following year, when there will be 1,800 pupils (needing about 360 full-time places) in the continuation schools. There the increase will stop, for as new pupils come in, the older pupils will attain the age of 16 and become exempt ; until after 7 years from the appointed

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\* A suggested curriculum for a Continuation School will be found in the Appendix.



day the obligation extends to 18 and the numbers will be doubled.

*Cost.*

The President has stated that it is the intention of the Board to defray the major part of the cost of continuation schools out of grant, leaving to local authorities only so much of the expense as is necessary to give them an interest in wise and economical administration.

NURSERY SCHOOLS AND CLASSES.

This important extension of the powers of authorities for elementary education is given by Section 19. It has already come into force. For some time it has been widely felt that there was a serious gap in the public care of young children between birth, when they are the concern of the local Health Committee, and the age of 3 or 5 when they enter elementary schools, and come under the care of trained teachers and the school medical service. Further, the methods of good babies' classes in infants schools, with their complete avoidance of formal instruction and their nursery atmosphere, have proved their utility, and are obviously capable of extension downwards. The home doubtless is the best place for a child under school age, if there is a parent able and willing to look after it, but it has been more and more widely realised that some provision should be made for infants whose mothers go out to work or where the home or the housing conditions are bad. Nursery schools of various kinds have therefore begun to spring up in various localities under various

conditions, and it has become clear that the supply should be organised.

The position before the passing of this Act was that the Board of Education had power to make grants to nursery schools (and were in various cases doing so) but local authorities had no power to establish or maintain them. All nursery schools therefore were of necessity private institutions. Section 19 gives power to the authority for elementary education either to supply or to aid the supply by private persons of nursery schools and classes. Grants are not to be paid in future unless (1) the school is open to inspection by the local authority, and (2) the authority may appoint at least a third of the Managers; also the Board before recognising a school are to consult the authority. The connection between nursery schools and the general scheme of public education is thus secured. But there will be no obligation to establish or aid nursery schools, if the authority do not wish to do so, unless, of course, the provision of such schools has been included in an approved scheme.

*Note that ;—*

(a) The limits of age are *two* years for entry and *five*, or such later age as the Board may approve, for leaving.

(b) It is not contemplated that provision will be made for all infants; only for those "whose attendance at such a school is necessary or desirable for their healthy physical and mental development."

(c) The authority may feed the children in the schools (subs. 1 (b).) Presum-

ably they *may* provide free meals, either universally or in cases which they judge to be necessitous ; but clearly they will be empowered to charge, if they think fit for the meals and for the cost of medical treatment.

A nursery school will not be a "public elementary school" even though it is provided by the authority, and will not therefore be within sec. 26, which abolishes fees in such schools. The Board however have issued draft regulations, which, if confirmed, will prohibit any charges except for food and attendance.

- (d) The authority may also attend to the health and physical welfare of the children. Presumably this means medical inspection and treatment by the School Medical Officer. Obviously a large part of the usefulness of the schools will consist in the skilled supervision of the school doctor.

It is too early as yet to say what kind of nursery school will eventually become the normal type. The sort of institution that appears to be contemplated at present is a large house with a garden, of the kind often to be found in neighbourhoods that used to be suburban but are now engulfed in the town, providing accommodation for a number of small groups of children. At the head of it would be an infant teacher, specially trained at one of the institutions now offering training for nursery school work, and under her a number of assistants, either young elementary teachers

being trained for this branch of work, or young women of the nurse rather than the teacher type. The children would be taken in for the whole day, and would receive at least their mid-day meals at the school. The School Medical Officer would frequently inspect the schools, and would probably exercise considerable influence upon the character of the occupations. The number of children under each assistant would be much smaller than in an elementary school, and the general character of the place would approximate to that of a good middle-class or upper-class nursery.

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

Secs. 13 to 16 of the Act relate to this subject, and introduce substantial alterations of the law. They do this mainly by amending the Employment of Children Act, 1903, and the Prevention of Cruelty to Children Act, 1904. It may be useful, therefore, to summarize here the existing law on the subject, as amended by this Act. It must always be remembered, however, that these amendments have not yet been brought into force. Fuller details will be found in the notes to the sections referred to.

### RESTRICTIONS ON EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

AS THEY WILL STAND WHEN SECS. 13 TO 16 ARE BROUGHT INTO OPERATION.

#### CLASS OF CHILD.

#### EMPLOYMENT PROHIBITED.

Under 12	..	..	All employment [Sec. 13 (1) (i.)]. <i>Except</i> (for 3 years from 8 August, 1918) employment of children not under 10 under a theatrical licence [Sec. 13 (2) (iii.) and (iv.) and Sec. 52 (3)].
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## CLASS OF CHILD.

12 or upwards..

## EMPLOYMENT PROHIBITED.

.. On a Sunday—more than 2 hours.

On a school-day—before close of school

On any day—before 6 a.m. or after 8 p.m.

*Except* where bye-law made permitting under specified restrictions employment of children of 12 or upwards by their parents or for 1 hour before school and 1 hour after.

[Sec. 13 (1) (i)].

Under 14 .. ..

In street trading [Sec. 13 (1) (ii.)]

To lift, or carry, or move anything so heavy as to cause him injury. [*Employment of Children Act*, 1903, Sec. 3 (4)].

In any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

[*Ibid.* Sec. 3 (5)].A child within the meaning of this Act *i.e.*, still under obligation to attend elementary school.

In any factory, workshop, mine or quarry, unless lawfully so employed on the appointed day (Sec. 14).

OCCUPATION PROHIBITED,  
WHETHER EMPLOYMENT EXISTS  
OR NOT.

A boy under 14 or a girl under 16. . . .

In any street, premises or place, for begging whether under pretence of singing, selling, &c., or not. (*Prevention of Cruelty to Children Act*, 1904, Sec. 2.)

In any street or premises licensed for intoxicating liquor (except where licensed for entertainments) for the purpose

OCCUPATION PROHIBITED  
WHETHER EMPLOYMENT EXISTS  
OR NOT.

A boy under 14 or a girl under 16—*continued.* of singing, playing, performing, or being exhibited for profit, or offering anything for sale after 8 p.m., or before 6 a.m. (*Ibid.* as amended by Sec. 13 (2)).

Under 12      ..      ..      In any street or licensed premises or place of public amusement to which the public are admitted by payment for the purposes above-mentioned at any time. (*Ibid.*)

*Note.*—These occupational restrictions are subject to the exceptions, (a) that occasional school or charitable entertainments are permissible, (b) the local education authority may make bye-laws extending or restricting the hours in certain cases, and (c) performing or being trained under licence (see below) is permissible. (*Ibid.*)

Not under 10 ..      ..      Licences to take part in entertainments may be granted under Sec. 13 (2) (iv.) the provisions of which are substituted for those of the *Prevention of Cruelty to Children Act, 1904, Sec. 3.* After three years from the passing of this Act the age of 10 may be raised to 12. (Sec. 51 (3)).

The President has stated in the House of Commons that Secs. 13 and 14 will not be brought into operation till the end of the War.

No reference is made above to restrictions on the employment of young persons under the Factory Acts.

The Employment of Children Act, 1903, Sec. 1 gives power to make bye-laws further restricting the

employment in any manner of children under 14 and of young persons under 16 in street trading. These powers are preserved by the Act.

The duty of making bye-laws and of enforcing the above provisions is transferred to the Part iii. education authority (Sec. 13 (1) (iii.)). The authority may in the case of an individual child on the report of their School Medical Officer or otherwise prohibit or further restrict his employment as may be required for the sake of his health, physical development or education (Sec. 15 (1)).

This provision comes into force forthwith.

Employment includes employment in any labour exercised by way of trade or for purposes of gain, whether the gain be to the child or young person or any other person. (Sec. 48 (2)).

### BYE-LAWS, &C.

The powers of local education authorities to make bye-laws and regulations for educational purposes are considerably altered by this Act, and it may be convenient to collect together all the provisions relating to this matter.

#### (a) *School Attendance.*

Sec. 8 (1) abrogates all exemptions between 5 and 14 and enacts that a bye-law granting exemption at a lower age than 14 shall have effect as if 14 were substituted.

Sec. 8 (2) gives power to require by bye-law the attendance of children, with or without exceptions, to the age of 15 instead of 14, and by Sec. 9 to the end of the term in which he attains that age.

Subs. (4) empowers an authority which has made an adequate provision of nursery schools to declare by bye-law that compulsion shall not begin till the age of 6 instead of 5. In view of these alterations it will probably be found advisable to frame new bye-laws.

Sec. 9 (2) enables an authority to make regulations for refusing admission to elementary schools except at the beginning of a term. The terms are to be fixed by the authority. Subject to these provisions the power to make attendance bye-laws under the Education Act, 1870, and amending Acts remains.

(b) *Employment of School Children, Sec. 13).*

A bye-law may be made permitting the employment of a child over the age of 12 *by his parent*, and by any person for one hour before school and one hour after.

The power to make employment bye-laws under the Employment of Children Act, 1903, remains.

New employment bye-laws will probably be necessary in most areas to incorporate the changes affected by the Act. There is, however, no obligation placed on authorities to make such bye-laws.

(c) *Distance of School.*

The distance of the nearest school which is to constitute an excuse for non-attendance is to be fixed by bye-law (Sec. 8 (7)).

### CLASSES OF EDUCATION AUTHORITIES.

Education Authorities as established under the Education Act, 1902, will remain unaltered under this Act. They fall into three classes.

- (a) The Councils of *Non-county Boroughs* having a population over 10,000 and of *Urban Districts* having a population over 20,000 (according in each case to the census of 1901) are the local education authorities for elementary education (E.A. 1902, Sec. 1).



Since it is Part iii. of the Act of 1902 which deals with elementary education, these authorities are often referred to as "authorities for the purposes of Part iii. of the Education Act, 1902" or more shortly "Part iii. authorities." These authorities have also a limited and concurrent power of aiding the provision of higher education (E.A. 1902, Sec. 3) and on the other hand may surrender any of their powers to the County Council (Sec. 20 (b)).

- (b) The Councils of *Counties* are the local education authorities for all educational purposes subject to the powers within their own areas of the non-county boroughs and urban districts mentioned above.
- (c) The Councils of *County Boroughs* are the local education authorities for all educational purposes without qualification.

Since education other than elementary is the subject of Part ii. of the Education Act, 1902, counties and county boroughs are sometimes described as "authorities for the purposes of Part ii. of the Education Act, 1902, or "Part ii. authorities."

As to the constitution of education committees and the delegation of educational powers and duties to them, see E.A. 1902, Sec. 17.

## EDUCATION ACT, 1918.

[8 &amp; 9 GEO. 5. CH. 39.]

## ARRANGEMENT OF SECTIONS.

*National System of Public Education.*

Section

1. Progressive and comprehensive organisation of education.
2. Development of education in public elementary schools.
3. Establishment of continuation schools.
4. Preparation and submission of schemes.
5. Approval of schemes by Board of Education.
6. Provisions as to co-operation and combination.
7. Provision as to amount of expenditure for education.

*Attendance at School and Employment of Children and Young Persons.*

8. Provisions as to attendance at elementary schools.
9. Provisions for avoidance of broken school terms.
10. Compulsory attendance at continuation schools.
11. Enforcement of attendance at continuation schools.

## Section

12. Administrative provisions relating to continuation schools.
13. Amendment of 3 Edw. 7. c. 45 and 4 Edw. 7. c. 15.
14. Prohibition against employment of children in factories, workshops, mines, and quarries.
15. Further restrictions on employment of children.
16. Penalties on illegal employment of children and young persons.

*Extension of Powers and Duties.*

17. Power to promote social and physical training.
18. Medical inspection of schools and educational institutions.
19. Nursery schools.
20. Education of physically defective and epileptic children.
21. Powers for the education of children in exceptional circumstances.
22. Amendment of Education (Choice of Employment) Act, 1910.
23. Power to aid research.
24. Provision of maintenance allowances.
25. Provisions as to medical treatment.

*Abolition of Fees in Public Elementary Schools.*

26. Abolition of fees in public elementary schools.

*Administrative Provisions.*

## Section

27. Voluntary inspection of schools.
28. Collection of information respecting schools.
29. Provisions with respect to appointment of certain classes of teachers.
30. Provisions as to closing of schools.
31. Grouping of non-provided schools of the same denominational character.
32. Provisions relating to central schools and classes.
33. Saving for certain statutory provisions.
34. Acquisition of land by local education authority.
35. Power to provide elementary schools outside area.
36. Amendments with respect to the allocation of expenses to particular areas.
37. Provisions as to expenses of Provisional Orders, &c.
38. Expenses of education meetings, conferences, &c.
39. Power to pay expenses of prosecution for cruelty.
40. Public inquiries by Board of Education.
41. Inspection of minutes.
42. Payments to the Central Welsh Board.
43. Evidence of certificates, &c. issued by local education authorities.

*Education Grants.*

44. Education grants.

*Educational Trusts.*

Section

45. Power to constitute official trustees of educational trust property.
46. Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts.
47. Appointment of new trustees under scheme.

*General.*

48. Definitions.
49. Compensation to existing officers.
50. Extension of certain provisions of the Education Acts.
51. Repeals.
52. Short title, construction, extent, and commencement.

## SCHEDULES.

An Act to make further provision with respect to Education in England and Wales and for purposes connected therewith.

[8th August, 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

*National System of Public Education.*

Progressive and comprehensive organisation of education.

1.—With a view to the establishment of a national system of public education available for all persons capable of profiting thereby, it shall be the duty of the council of every county and county borough,<sup>a</sup> so far as their powers extend,<sup>b</sup> to contribute thereto by providing for the progressive development and comprehensive organisation of education in respect of their area, and with that object any such council from time to time may, and shall when required by the Board of Education, submit to the Board schemes<sup>c</sup> showing the mode in which their duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities.<sup>d</sup>

For the general object and scope of schemes made obligatory by the section see Introduction, page 10.

<sup>a</sup> *County and County Borough.* The duty of framing schemes under this section is placed upon the Part ii authority. The Part iii authorities have strongly urged that they too should be allowed to frame and submit schemes, inasmuch as the schemes deal with elementary as well as higher forms of education. Certain concessions to this point of view have been made in Sec. 4, which provides that the County authority must

“consult” the borough and urban districts (Part iii authorities) of the county, and the latter may, if they wish, themselves submit schemes direct to the Board.

<sup>b</sup> *So far as their powers extend.* This clause will not enable any authority to do anything which they had not power to do before, but it will compel them to envisage the future and decide which of their powers to exercise, and how. Once a proposal has been embodied in a scheme and the scheme has been approved, it will become the *duty* of the authority to carry it out (Sec. 5). Cases of default will be met presumably by withholding grant (Sec. 5 (3)).

<sup>c</sup> *Schemes.* The procedure to be followed in submitting and sanctioning schemes is given in Sec. 5.

<sup>d</sup> *Whether separately or in co-operation with other authorities.* The Board appear to attach great importance to a wider and freer co-operation between authorities than at present exists. Co-operation may be (a) between a County and a Part iii authority within the County or (b) between two adjacent independent authorities. Provisions for organising such co-operation will be found in Sec. 6.

*Appointed day.*—As soon as time has been allowed to frame schemes and discuss them with the Board.

2.—(1) It shall be the duty of a local education authority so to exercise their powers under Part III.<sup>a</sup> of the Education Act, 1902, as—

Development of education in public elementary schools.

(a) to make, or otherwise to secure, adequate and suitable provision by means of central schools,<sup>b</sup> central or special classes, or otherwise—

(i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction<sup>c</sup> suitable to the ages, abilities, and requirements of the children; and

(ii) for organising in public elementary schools courses of advanced instruction<sup>d</sup> for the older or more

intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen ;

(b) to make, or otherwise to secure, adequate and suitable arrangements under the provisions of paragraph (b) of subsection (1) of section thirteen of The Education (Administrative Provisions) Act, 1907, for attending to the health and physical condition of children educated in public elementary schools<sup>e</sup> ; and

(c) to make, or otherwise to secure, adequate and suitable arrangements for co-operating with local education authorities for the purposes of Part II. of the Education Act, 1902, in matters of common interest, and particularly in respect of—

(i) the preparation of children for further education in schools other than elementary, and their transference at suitable ages to such schools ; and

(ii) the supply and training of teachers ;

and any such authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the exercise of their powers as an authority for the purposes of Part III. of the Education Act, 1902.

(2) So much of the definition of the term “ elementary school ” in section three of the Elementary Education Act, 1870, as requires that elementary education shall be the principal part of the education there given, shall not



apply to such courses of advanced instruction as aforesaid.

This section is intended to remove the objection frequently made against the present elementary schools that they waste the last years of a clever scholar's school life and compel him too often merely to mark time till he can leave at 14. Note that the developments mentioned in the section are imposed as a *duty* upon the authority, whether a scheme in respect of them has been submitted and approved or not. The President has stated, however, that time will be given for the framing and consideration of schemes before this clause is brought into operation.

*Appointed day*.—the same as sec. 1.

<sup>a</sup> That is, the powers relating to elementary education.

<sup>b</sup> *Central Schools* are schools established in London and elsewhere providing a three years course, to which suitable scholars are transferred from the elementary schools about the age of 12. They provide a training with a vocational bias, either commercial, domestic, or artisan. In other places the same result is aimed at by *Higher Top classes* at the top of the elementary school. *Junior Technical or Trade Schools*, found in many engineering centres, fill the same place as regards engineering and allied trades. Special provisions as to the management of central schools will be found in Sec. 32, and under Sec. 8 (6) an authority may direct the attendance of children at any class, whether held on School premises or not, for practical or special instruction or demonstration.

<sup>c</sup> *Practical Instruction*. For definition see section 47, *post*.

<sup>d</sup> *Advanced Instruction*. By sec. 8 (5), if the Board are satisfied with the advanced instruction thus provided, they may authorise the instruction of children in an elementary school up to and even in special cases beyond the age of 16. The attendance, however, beyond the ordinary leaving age will be voluntary. A class of higher elementary schools will thus arise in many areas which will to some extent meet the criticisms levelled against the continuation school provisions, namely, that the poor child, who could not afford a secondary school, and, therefore, was under the obligation to attend continuation school till 18, would be unfairly handicapped in the

labour market in comparison with his richer neighbour who had attended a secondary school till 16 and was thenceforward exempt. Attendance at one of these elementary schools till 16 will equally exempt from continuation schools, and they will be entirely free.

<sup>e</sup> This in effect makes the medical treatment of school children a duty instead of, as under the Act referred to, merely a power. Thus as regards elementary schools it will henceforward be the duty of the authority both to inspect and to treat: as regards continuation and secondary schools and public institutions of further education generally, there will be a duty to inspect and a power to treat if the authority think fit. (See Sec. 18).

Establish-  
ment of  
continuation  
schools.

**3.—(1)** It shall be the duty of the local education authority for the purposes of Part II. of the Education Act, 1902,<sup>a</sup> either separately or in co-operation<sup>b</sup> with other local education authorities, to establish and maintain, or secure the establishment and maintenance under their control and direction<sup>c</sup> of a sufficient supply of continuation schools in which suitable courses of study, instruction, and physical training are provided without payment of fees for all young persons<sup>d</sup> resident in their area who are, under this Act, under an obligation to attend such schools.

(2) For the purposes aforesaid the local education authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the progressive organisation of a system of continuation schools, and for securing general and regular attendance thereat, and in preparing schemes under this section the local education authority shall have regard to the desirability of including therein arrangements for co-operation with universities<sup>e</sup> in the provision of lectures and classes for scholars for whom instruction by such means is suitable.

(3) The council of any county shall, if practicable, provide for the inclusion of representatives of education authorities for the purposes of Part III. of the Education Act, 1902, in any body of managers of continuation schools within the area of those authorities.

As to Continuation Schools generally see Introduction, page 13.

<sup>a</sup> *i.e.*, Counties and County Boroughs.

<sup>b</sup> *In Co-operation.* An authority may combine with a neighbouring authority for the purposes of this section. The obligation to provide the schooling rests upon the authority in whose area the young person resides. Where, however, he works in the area of the neighbouring authority, it may well be convenient that the latter authority should under suitable arrangements provide the instruction. Again, where a large population resides on the boundary of two authorities, a joint school may be economical and desirable. In these cases the provisions of Sec. 6 will be useful.

<sup>c</sup> *Under their Control and Direction.* These words are not defined. Sec. 10 (8) appears to imply that a works school need not be open to inspection by the authority, but "control and direction," it is submitted, at least involve a substantial representation of the authority on the board of management, and a power to direct what shall be the character of the instruction. In any case the authority have a discretion whether they will adopt and recognise a non-provided continuation school or not, and before doing so will no doubt drive a bargain with the promoters, both as to financial matters and as to the extent of the control and direction upon which the authority will insist.

<sup>d</sup> *Young persons.* A child in this Act means a child up to the age when the obligation to receive elementary instruction or to attend school, ceases, *i.e.*, the expiration of the term in which he attains the age of 14, except when a byelaw has been made under Sec. 8 (2) substituting 15 for 14. A young person is a person who has ceased to be a child and is under the age of 18.

*\* University Lectures and Classes.* These, it is submitted, so far as they form part of the compulsory continuation school, must be entirely free.

*Appointed day*—the same as for Sec. 1.

Preparation  
and submis-  
sion of  
schemes.

4.—(1) The council of any county, before submitting a scheme under this Act, shall consult the other authorities within their county (if any) who are authorities for the purposes of Part III. of the Education Act, 1902, with reference to the mode in which and the extent to which any such authority will co-operate with the council in carrying out their scheme, and when submitting their scheme shall make a report to the Board of Education as to the co-operation which is to be anticipated from any such authority, and any such authority may, if they so desire, submit to the Board as well as to the council of the county any proposals or representations relating to the provision or organisation of education in the area of that authority for consideration in connection with the scheme of the county.

(2) Before submitting schemes<sup>a</sup> under this Act a local education authority shall consider any representations made to them by parents or other persons or bodies of persons interested, and shall adopt such measures to ascertain their views as they consider desirable, and the authority shall take such steps to give publicity to their proposals as they consider suitable, or as the Board of Education may require.

(3) A local education authority in preparing schemes under this Act shall have regard to<sup>b</sup> any existing supply of efficient and suitable schools or colleges not provided by local

education authorities, and to any proposals to provide such schools or colleges.

(4) In schemes under this Act adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.<sup>c</sup>

For the general effect of this section see Introduction, page 10.

<sup>a</sup> *Before submitting schemes.* Apparently the procedure contemplated will be somewhat as follows:—The authority will make a draft scheme: they will publish locally the fact that they have done so, and announce that copies may be obtained by persons interested: they will consider any representations made to them: and finally approve the scheme with or without alteration and submit it to the Board.

<sup>b</sup> *Shall have regard to.* The Council cannot altogether ignore any existing or proposed non-provided institutions, but after considering them may, if they think fit, decide not to incorporate them in their scheme.

<sup>c</sup> *Subs. (4).* Apparently this subs. implies that there must be "adequate" provision of free education right up to the University ("any form of education"). What will be regarded as adequate is not easy to say. Fees in elementary schools will cease as from April 1, 1919. (See Sec. 26 (1)).

5.—(1) The Board of Education may approve any scheme (which term shall include an interim, provisional, or amending scheme) submitted to them under this Act by a local education authority, and thereupon it shall be the duty of the local education authority to give effect to the scheme.

Approval of  
schemes by  
Board of  
Education.

(2) If the Board of Education are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which

the scheme relates, and the Board are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority and, if requested by the authority, shall hold a public inquiry in the matter.

(3) If thereafter the Board of Education disapprove a scheme, they shall notify the authority, and, if within one month after such notification an agreement is not reached, they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action which they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

For a discussion of this Section see Introduction, page 10.

*Appointed day.*—The same as for Sec. 1.

Provisions as to co-operation and combination.

**6.**—(1) For the purpose of performing any duty or exercising any power under the Education Acts, a council having powers under those Acts may enter into such arrangements as they think proper for co-operation or combination with any other council or councils having such powers, and any such arrangement may provide for the appointment of a joint committee or a joint body of managers, for the delegation to that committee or body of managers of any powers or duties of the councils (other than the power of raising a rate or borrowing money), for the proportion of contributions to be paid by each council, and for any other matters which appear necessary for carrying out the arrangement.

(2) The Board of Education may, on the application of two or more councils having powers under the Education Acts, by scheme provide for the establishment and (if thought fit) the incorporation<sup>a</sup> of a federation for such purposes of any such arrangements as aforesaid as may be specified in the scheme as being purposes relating to matters of common interest concerning education which it is necessary or convenient to consider in relation to areas larger than those of individual education authorities, and the powers conferred on councils by this section shall include power to arrange for the performance of any educational or administrative functions by such a federation as if it were a joint committee or a joint body of managers.

Provided that no council shall without its consent be included in a scheme establishing a federation, and no council shall be obliged to continue in a federation except in accordance with the provisions of a scheme to which it has consented.

(3) A scheme made by the Board of Education constituting a federation, and an arrangement establishing a joint committee or a joint body of managers, shall provide for the appointment of at least two-thirds of the members by councils having powers under the Education Acts, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education and of representatives of universities or other bodies.

(4) A scheme constituting a federation may on the application of one or more of the councils concerned be modified or repealed by a further scheme, and, where a scheme provides for the

discontinuance of a federation, provision may be made for dealing with any property or liabilities of the federation.

(5) Where any arrangement under this section provides for the payment of an annual contribution by one council to another, the contribution shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed under that section.

The provincial councils contemplated by the original bill having been dropped in deference to the objections of the local authorities, this section includes all the methods of co-operation or combination now open to local authorities.

The methods are two. By *subs. 1* any local education authority may enter into arrangements with any other or others for the carrying out of educational powers or duties, and may set up a joint committee or body of managers and delegate powers to it (not including the raising of a rate or borrowing money) and may arrange for the provision of funds. All this they can do without reference to the Board of Education.

*Under Subs. 2.* If the arrangement is one contemplating a more or less permanent co-operation in some matter of common educational interest, the Board may *on the application of the authorities concerned*, set up a federation for the purposes desired. Note that here, too, the initiative rests with the local authorities themselves: the Board cannot act except upon request.

A general power to combine and co-operate for educational ends is thus given in place of the partial and limited powers previously existing.

As educational ideas develop and extend, many matters emerge in which single authorities cannot, or cannot advantageously, act alone. The provision of teachers is one. Educational areas differ so widely in character that there will always be some which can well provide more teachers than they can use, while others can use more than they can provide. It is to the national advantage that the former authorities should accept and



train all the available and satisfactory material, but they naturally object to incur the expense of training teachers, not for themselves, but for a neighbouring authority to use without acknowledgment. Here is a fruitful field for joint action.

Another arises between county boroughs and the adjoining county. It would usually be economical and educationally advantageous for the county to use the institutions of the borough (such as secondary and technical schools, continuation schools possibly, and central schools) for the education of the county pupils within a radius of five or ten miles. But this can hardly be done without financial adjustments, and mutual arrangement of all sorts of details.

Again, the proper organisation of university education seems to need in many cases the combination of local authorities within the "sphere of influence" of a local university to deal with the sending forward of suitable students on the one hand and the provision of support on the other.

The President, in defending this clause in the House of Commons, mentioned, as matters ordinarily requiring co-operation between authorities, the provision of adequate scholarship schemes, residential schools, schools for defectives, border schools and the supply and training of teachers. The necessity of co-operation, he said, is not exceptional: it is chronic and universal.

(a) *Incorporation.* This will constitute the federation a legal entity, able to act (within the powers assigned to it) on its own, and capable of suing and being sued, and would facilitate the making of contracts and agreements.

*Appointed day.*—1st November, 1918.

7.—The limit under section two of the Education Act, 1902, on the amount to be raised by the council of a county out of rates for the purpose of education other than elementary shall cease to have effect.

Provision as to amount of expenditure for education.

The limit is a 2d. rate. Several authorities have already exceeded it, and it is apparent that the developments of higher education contemplated by this Act will in many cases demand a higher expenditure:

nor indeed does there appear to be any good reason why counties should be limited in the educational expenditure for which they are willing to rate themselves.

*Appointed day.*—8th August, 1918.

*Attendance at School and Employment of  
Children and Young Persons.*

Provisions  
as to attend-  
ance at  
elementary  
schools.

8.—(1) Subject as provided in this Act, no exemption from attendance at school shall be granted to any child between the ages of five and fourteen years, and any enactment giving a power, or imposing a duty, to provide for any such exemption, and any provision of a byelaw providing for any such exemption, shall cease to have effect, without prejudice to any exemptions already granted. Any byelaw which names a lower age than fourteen as the age up to which a parent shall cause his child to attend school shall have effect as if the age of fourteen were substituted for that lower age.<sup>a</sup>

(2) In section seventy-four of the Elementary Education Act, 1870, as amended by section six of the Elementary Education Act, 1900<sup>b</sup> fifteen years shall be substituted for fourteen years as the maximum age up to which byelaws relating to school attendance may require parents to cause their children to attend school, and any such byelaw requiring attendance at school of children between the ages of fourteen and fifteen may apply either generally to all such children, or to children other than those employed in any specified occupations.<sup>d</sup>

Provided that it shall be lawful for a local education authority to grant exemption from the obligation to attend school to individual

children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where after due inquiry the circumstances seem to justify such an exemption.

(3) It shall not be a defence to proceedings relating to school attendance under the Education Acts or any byelaws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.<sup>c</sup>

*Appointed day for subs. (3).—2nd December, 1918.*

<sup>a</sup> Subs. (1) and (2) have not yet been brought into force.

<sup>b</sup> These are the sections authorising the making of attendance bye-laws.

<sup>c</sup> This provision removes a difficulty frequently found in proceedings for non-attendance before magistrates in cases in which the defence is attendance at a private school. Since the school is now to be open to inspection, there will be evidence available on the point whether it is reasonably efficient or not. The effect will probably be that all private schools of elementary type will be driven to submit to inspection.

(4) A local education authority may with the approval of the Board of Education make a byelaw under section seventy-four of the Elementary Education Act, 1870, providing that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six years :

Provided that in considering any such byelaw the Board shall have regard to the

adequacy of the provision of nursery schools<sup>d</sup> for the area to which the byelaw relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry<sup>e</sup> for the purpose of determining whether the byelaw should be approved.<sup>f</sup>

(5) Notwithstanding anything in the Education Acts the Board of Education may, on the application of the local education authority, authorise the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age<sup>g</sup> as appears to the Board desirable<sup>g</sup> :

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under paragraphs (a) and (c) of subsection (1) of section two of this Act<sup>h</sup> and to the effective development and organisation of all forms of education in the area, and to any representations made by the managers of schools.

<sup>d</sup> The power to provide nursery schools is given by Sec. 19. There is no obligation to provide them, nor to attend them, when provided.

<sup>e</sup> The procedure on public enquiries is governed by Sec. 40.

<sup>f</sup> This subsection will not be brought into force at present.

<sup>g</sup> This permission will presumably only be given by the Board to schools which have a higher top organisation, or are otherwise doing the work of Central Schools. It will provide for poor children a free education which will release them from the obligation to attend continuation schools after 16 [Sec. 10 (2) (iii.) (b)].

<sup>h</sup> These are the paragraphs requiring practical and advanced instruction in elementary schools and co-operation with higher education authorities in opening the door to further education and the supply of teachers.

(6) The power of a local education authority under section seven of the Education Act, 1902, to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or byelaw relating to school attendance to be attendance at a public elementary school<sup>i</sup> :

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the time-table, reasonable facilities shall be afforded, subject to the provisions of section seven of the Elementary Education Act, 1870<sup>j</sup> for enabling such child to receive religious instruction in the school at some other time.

(7) In section eleven of the Elementary Education Act, 1876 (which relates to school attendance), for the words "there is not within two miles" there shall be substituted the words "there is not within such distance as may be prescribed by the byelaws."<sup>k</sup>

(8) Nothing in this section shall affect the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, relating to the attendance at school of the children to whom those Acts apply.<sup>1</sup>

<sup>i</sup> Instruction of the kind mentioned in this subsection is often given off the school premises (*e.g.*, in a handicraft or cookery centre). This provision makes it clear that the authority may require children to attend from a non-provided school. *Appointed day*.—8th August, 1918.

<sup>j</sup> This is the well-known section setting out the conditions as to religious instruction to be observed in elementary schools.

<sup>k</sup> The effect of this subsection, when read in connection with the Elementary Education Act, 1870, Sec. 74, is that it will be a reasonable excuse for non-attendance that there is not a school within such distance of the child's home, not exceeding three miles, as may be prescribed by byelaw.

<sup>l</sup> Attendance at the special schools established under these Acts is already compulsory up to the age of 16.

*Appointed day for Sub-secs. 7 & 8*.—8th August, 1918.

*General Note on Sec. 8*.—Shortly, the effect of this section as to school attendance is :—

- (1) No exemptions below the age of 14.
- (2) An authority may extend compulsion to 15, with specified exemptions between 14 and 15.
- (3) Where due provision of nursery schools has been made, compulsion may begin at 6 instead of 5. Children, however, who offer to attend at 5 must be admitted.
- (4) Where due provision is made for advanced instruction children may stay at an elementary school up to and beyond 16. There can, however, be no compulsion beyond 15.

*Note*.—That for the purpose both of entering and of leaving an elementary school a child is not deemed to attain a given age until the end of the school term in which he actually attains it (Sec. 9).

9.—(1) If a child who is attending or is about to attend a public elementary school or a school certified by the Board of Education under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, attains any year of age during the school term, the child shall not, for the purpose of any enactment or byelaw, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

Provisions  
for avoid-  
ance of  
broken  
school terms.

(2) The local education authority for the purposes of Part III. of the Education Act, 1902, may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school or such certified school as aforesaid except at the commencement of a school term.

This section applies to all elementary schools, and to schools for the mentally and physically defective, but not to secondary schools nor to the new continuation schools. It relates to the age both of entering and of leaving school. Subs. 2 goes a step further and provides, not only that the child cannot be compelled to attend, but that the authority may refuse to allow him to attend, till the end of the term in which he attains the specified age.

*Appointed day.*—1st Feb., 1919.

10.—(1) Subject as hereinafter provided, all young persons<sup>a</sup> shall attend such continuation schools<sup>b</sup> at such times, on such days<sup>c</sup> as the local education authority of the area in which they reside<sup>d</sup> may require, for three hundred and twenty hours<sup>e</sup> in each year,

Compulsory  
attendance  
at continua-  
tion schools.

distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours distributed as aforesaid<sup>f</sup> as the local education authority, having regard to all the circumstances, consider reasonable :

Provided that—

(a) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day on which the provisions of this section come into force<sup>g</sup> apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period ; and

(b) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty<sup>h</sup>.

<sup>a</sup> *A young person* is a person under the age of eighteen who is no longer a "child," and a "child" means any child up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction, or to attend school under the enactments relating to elementary education and the byelaws made thereunder (Sec. 48). Under sec. 9 this obligation will cease at the end of the term in which the child attains the age of 14, except in areas in which the age of attendance has been raised to 15 under sec. 8 (2).

<sup>b</sup> *Continuation Schools.* The obligation upon the authority to provide these is imposed by sec. 3.

<sup>c</sup> *At such times, on such days, &c.*—Thus, the authority may prescribe the days, times, and school which the pupil is to attend. This is a power they have never had



in elementary education, for a parent may send his child to any elementary school which has room for him. It will be the duty of the authority to sort the scholars out and to notify them when and where they are to attend. In doing so, however, they must have regard, as far as practicable, to the preferences of the pupil or parent (subsec. 9). This work will be governed by regulations to be made by the Board under sec. 12 (1). The validity of notices is secured by sec. 43

<sup>d</sup> *Area in which they reside.* Where a young person resides in the area of one authority and works in that of another, it is the authority of the area of residence which has the responsibility of providing the instruction. In some cases it would probably be much more convenient to provide the instruction near the work, and the President has intimated in his speeches that he contemplates works continuation schools being established by employers. Presumably this could be arranged between adjoining authorities under the general power to co-operate given by sec. 6.

<sup>e</sup> *Three hundred and twenty hours*—equivalent to 8 hours a week for 40 weeks a year. The President, in introducing his original Bill, said: "The proposal comes to this, that in general, young persons who are not undergoing full time instruction will be liberated from industrial toil for the equivalent of three half-days a week during 40 weeks, two half days to be spent in school while one will be a half holiday." It will be possible however, under this section to make any other arrangements which gives the same yearly total, e.g. in seasonal trades to substitute full time teaching for a small portion of the year. For the method of reckoning the year, see sec. 12 (2). Under proviso (b) *post* the hours may be reduced for the first seven years to 280. Of course, the authority may keep their continuation schools open for longer than the compulsory hours, and invite the voluntary attendance of pupils.

Under sec. 3 the authority is to consult the persons interested before framing a scheme for Continuation Schools. Doubtless much negotiation with employers and labour will be necessary before a satisfactory scheme is worked out.

<sup>f</sup> *Period of less than a year.* Presumably this will ordinarily be eight hours (or seven) for every week during

which the continuation schools are open. If the continuation school terms correspond with those of the elementary school, then in view of sec. 9, the scholars will nearly all enter the continuation schools at the beginning of a term.

<sup>g</sup> The President has stated that this clause will not be brought into operation before the end of the war.

<sup>h</sup> It was stated in Parliament that this concession was made to meet the case of young persons who could not conveniently attend school for two half days. It will enable them to give one whole day of 7 hours instead.

Note, that there is no obligation to continue attendance till the end of the term in which the pupil attains the age of exemption, as there will be in elementary schools.

(2) Any young person<sup>i</sup>—

(i) who is above the age of fourteen years on the appointed day ; or

✓ (ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of any interim scheme approved by the Board of Education ; or

(iii) who is above the age of sixteen years and either—

(a) has passed the matriculation examination of a university of the United Kingdom or an examination recognised by the Board of Education for the purposes of this section as equivalent thereto ; or

(b) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognised by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.<sup>i</sup>

<sup>i</sup> *Young persons.*—i.e., a person under 18 who has ceased to be under obligation to attend an elementary school.

<sup>i</sup> *Unless he has informed, &c.* It is not easy to see the object of this provision. Usually the continuation schools will be too elementary for those who have had a full time secondary education up to 16, nor is it clear why, if such a scholar volunteers for further teaching, compulsion should then be applied to him. Perhaps the provision is inserted so that there may be an obligation on the employer to let him go to school. It is noteworthy that the parent has no say in the matter. If the pupil against his parents' wishes volunteers for continuation schooling, and the authority accept him, the obligation at once arises.

*General Note on Subs. (2) and (3).*

The persons excused from attendance at continuation schools fall into two classes :—

(a) The following are altogether and finally exempt, unless they volunteer to come in—

- (i) Those above 14 on the appointed day.
- (ii) Those who have been trained for and are engaged in sea-service under specified conditions.
- (iii) Those who are above 16 and either have passed matriculation (or an equivalent) or have had satisfactory full time schooling up to 16.

(b) The following are excused attendance for the time being while they are :—

- (i) In a satisfactory full time school or
- (ii) Receiving satisfactory part time instruction for an equivalent number of day-time hours.

In both classes of cases the authority is the judge, subject to an appeal to the Board under subs. 5.

Thus (after 7 years from the appointed day) there will be two classes of persons between the ages of 16 and 18, those who are under an obligation to attend continuation schools, \*and those who are exempt under these subsections. In so far as the two classes meet in one employment and compete for the same jobs, difficulties are likely to arise. Probably, however, the two classes will largely be in different employments. In any case the power (conceded in Committee) to retain children in elementary schools, which must be free, up to the age of 16 will make it easier for the poor child to obtain exemption at that age. (Sec. 8 (5) ).

(3) The obligation to attend continuation schools under this Act shall not apply to any young person—

- (i) who is shown to the satisfaction of the local education authority to be under full-time instruction in a school recognised by the Board of Education as efficient or to be under suitable and efficient full-time instruction in some other manner ; or
- (ii) who is shown to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.<sup>k</sup>

(4) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attending, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognised by the Board of Education as efficient.<sup>1</sup>

<sup>k</sup> Under this Subsection it will be possible to carry on a continuation school, provided it is efficient, entirely apart from the authority. Presumably it would not receive grant, and clearly there would be no legal compulsion to attend, but if it were a works school, attendance might be made a condition of employment.

<sup>l</sup> This subsec. provides for the case of schools inspected not by the Board of Education, but by a University, &c.

(5) If a young person who is or has been in any school or educational institution, or the parent of any such young person<sup>m</sup> represents to the Board that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by this section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board of Education shall consider the representation, and if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the

obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board of Education may refuse to consider any such representation unless the local education authority or the Board of Education are enabled to inspect the school or educational institution in which the instruction is or has been given."

(6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours<sup>e</sup> as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this subsection is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

<sup>m</sup> *Parent.* The term "parent" in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person (Sec. 48).

<sup>n</sup> *Provided, &c.* This proviso will mean that private schools will be driven to permit inspection, if they are to save their scholars from the obligation to attend

continuation schools. See as to voluntary inspection and the collection of information as to schools, secs. 27 and 28.

<sup>a</sup> *Two hours.* i.e., to give him time to wash and feed.

(7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning.<sup>b</sup> Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.<sup>c</sup>

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

(9) In considering what continuation school a young person shall be required to attend, a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school."

<sup>p</sup> *Between 7 p.m. and 8 a.m.* This means in effect that staff and buildings will be required for the continuation schools separate from those of the elementary schools, though it would no doubt be barely possible to use the elementary buildings between say 5 p.m. and 7 p.m. It would be very difficult, however, to frame a satisfactory scheme of continuation schools on this basis, and in any case fresh teachers would be needed.

<sup>q</sup> This subsection will make it very difficult to ensure a regular and continuous flow of scholars to a works school. Presumably, however, though the authority cannot insist on attendance there against the young person's will, the employer could make attendance a condition of the employment, if he thought fit.

<sup>r</sup> The provision that the preferences of the pupil or his parent are to be consulted, as far as practicable, is no doubt reasonable and proper; but it will add considerably, if preferences are freely expressed, to the difficulty of organising the instruction. The latter part of the section introduces a conscience clause applicable to any part of the instruction, whether



religious or secular. Note that the power to choose a school and to object on conscientious grounds is given, in the case of pupils under 16, both to the pupil and his parent; in the case of pupils over 16 to the pupil only.

*Appointed day*.—"Not before the end of the war."

For a general discussion of Continuation Schools see Introduction, p 13.

11.—(1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable on summary conviction to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.

Enforcement  
of attend-  
ance at  
continuation  
schools.

(2) If a parent<sup>a</sup> of a young person has conduded to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1908,<sup>b</sup> be liable on summary conviction to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds.

<sup>a</sup> For definition of "parent" see sec. 48.

<sup>b</sup> This section provides that where a child or young person is charged with an offence, the court may order the parent or guardian to pay the fine, unless satisfied that he cannot be found, or has not conduded to the offence by neglecting to exercise due care of the child or young person. Note that under the Children Act a child means a person under 14, and a young person a person between 14 and 16. The sec. will not be available therefore in the case of non-attendance by a young person over 16. The word "guardian"

includes any person having for the time being charge of or control over the child or young person. (Children Act, 1908, sec. 131).

*Appointed day*.—"Not till the end of the war."

Administra-  
tive pro-  
visions  
relating to  
continuation  
schools.

**12.**—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.

(2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

*Appointed day*.—"Not before the end of the war."

**13.**—(1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

(i) For subsection (1) of section three the following subsection shall be substituted:—

"A child under the age of twelve shall not be employed"; and a child of the age of twelve or upwards shall not be employed on any Sunday for more than two hours, or on any

day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening :

“ Provided that a local authority may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents,<sup>b</sup> but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon.”

- (ii) In subsection (2) of section three, which prohibits the employment of a child under the age of eleven years in street trading, the words “ under the age of eleven years ” shall be repealed<sup>c</sup> :
- (iii) For section twelve the following section shall be substituted :—

“ Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III. of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with

regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly"<sup>a</sup> :

- (iv) For the definition of the expression "local authority" there shall be substituted the following definition :—

"The expression 'local authority' means in the case of the City of London the mayor, aldermen, and commons of that city in common council assembled, and elsewhere the local education authority for the purposes of Part III. of the Education Act, 1902."

<sup>a</sup> Except, apparently, under a "theatrical" licence under Section 3 of the Prevention of Cruelty to Children Act, 1904, Sec. 3, as amended by this Act. [Subs. (2) (iii) to (viii)].

<sup>b</sup> *Parent* by virtue of the Elementary Education Act, 1870, Sec. 3 and Sec. 48 *post* includes guardian and every person who is liable to maintain or has the actual custody of any child.

<sup>c</sup> The effect of this is to prohibit street trading by children under 14.

<sup>d</sup> The duties of carrying out these provisions are given to the local education authority instead of the local authority. Ordinarily the authority will be the same, *i.e.*, the council of the county or borough or urban district as the case may be, but they will now act, except in emergencies, only after receiving and considering the report of the education committee on the matters in question. Further the expenses will become education expenses.

*Appointed day for pars. (iii) and (iv).—1st April, 1919.*

(2) The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows:—

- (i) In the paragraph (b) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., “eight p.m.” shall be substituted for “nine p.m.” so far as relates to children under fourteen years of age :
- (ii) In paragraph (c) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing, or being exhibited for profit, or offering for sale, twelve years shall be substituted for eleven years :
- (iii) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years<sup>e</sup> :
- (iv) A licence under section three to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III. of the Education Act, 1902, of the area in which the child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be

rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence :

- (v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments, furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds :
- (vi) Subsections (3) and (4) of section three shall cease to apply with respect to licences to take part in an entertainment or series of entertainments :
- (vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section :
- (viii) The provisions of this subsection shall not apply to any licence in force on the appointed day :
- (ix) References to the Employment of Children Act, 1903, shall be construed

as references to that Act as amended by this Act.<sup>a</sup>

<sup>a</sup> This par. will not come into operation for at least 3 years after the passing of the Act. (Sec. 52 (3) ).

For general effect of these employment provisions see Introduction, page 22.

**14.**— No child within the meaning of this Act<sup>b</sup> shall be employed—

(a) in any factory or workshop to which the Factory Workshop Acts, 1901 to 1911, apply ; or

(b) in any mine to which the Coal Mines Act, 1911, applies ; or

(c) in any mine or quarry to which the Metalliferous Mines Acts, 1872 and 1875, apply ;

unless lawfully so employed on the appointed day ; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

<sup>b</sup> See definition, Section 48.

See also for general summary of restrictions on employment. Introduction page 22.

*Appointed day.*—" Not before the end of the war."

**15.**—(1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

Prohibition against employment of children in factories, workshops, mines, and quarries.

Further restrictions on employment of children.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

This useful provision enables an authority to take account of the special circumstances of an individual child, for whose protection the general provisions are not sufficient. There is, however, no power to compel the parent to submit his child to the examination of the School Medical Officer in order to ascertain how far his health is being impaired.

A similar but less stringent provision is contained in Sec. 3 of the Employment of Children Act, 1903.

Penalties for contravening a prohibition under this Sec. are provided by Sec. 16., Subs. 2 will enable information to be gained of the actual circumstances of employment in any given case.

*Appointed day.*—8th August, 1918.

## 16.—If any person—

- (a) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the byelaws in force in the district in which the child resides ; or
- (b) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction ; or



(c) employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act ;  
or

(d) employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended ;

he shall be deemed to have employed the child or young person in contravention of the Employment of Children Act, 1903, and sub-sections (1) and (2) of section five and section six and section eight of that Act<sup>a</sup> shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.

This sec. provides penalties only for the various kinds of illegal employment of children and young persons. Penalties for breaches of attendance bye-laws will continue to be regulated by the Education Act, 1870, the Elementary Education Act, 1873, and the Elementary Education Act, 1900, as heretofore.

<sup>a</sup> The effect of these sections of the Employment of Children Act, 1903, is as follows :—

*Section 5 (1).* Illegal employment of a child or young person—summary proceedings—penalty for first offence not exceeding 40/-, for subsequent offence not exceeding £5.

(2) Parent or guardian conducting to the commission of the offence “by wilful default or habitually neglecting to exercise due care”—summary proceedings—the same penalties.

*Section 6 (1).* An agent or workman of an employer who illegally takes a child or young person

into employment may be punished as if he were the employer.

(2) A parent procuring illegal employment by false certificate or false representation of age—penalty not exceeding 40/-.

(3) Employer when charged may bring other person whom he charges as the actual offender before the court, and that other person may be convicted.

(4) Where employer has used due diligence, and offence committed without his knowledge or connivance, actual offender shall be charged, not the employer.

*Section 8.* A magistrate may empower an officer of the authority to enter any place where illegal employment is reasonably suspected and examine the same and any person touching the employment of any child therein. Penalty for refusing admission or obstructing enquiries, not exceeding £20.

*Appointed day.*—For pars. (a) and (b) 8th August, 1918.

### *Extension of Powers and Duties.*

**17.**—For the purpose of supplementing and reinforcing the instruction and social and physical training provided by the public system of education<sup>a</sup> and without prejudice to any other powers, a local education authority for the purposes of Part III. of the Education Act, 1902, as respects children attending public elementary schools, and a local education authority for the purposes of Part II. of that Act as respects other children and young persons and persons over the age of eighteen attending educational institutions<sup>b</sup> may, with the approval of the Board of Education<sup>c</sup> make arrangements to supply or maintain or aid the supply or maintenance of<sup>d</sup>—

Power to promote social and physical training.

- (a) holiday or school camps, especially for young persons attending continuation schools ;
- (b) centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the local education authority), school baths, school swimming baths ;
- (c) other facilities for social and physical training in the day or evening.<sup>e</sup>

<sup>a</sup> *For the purpose, &c.—i.e.*, these powers are to be exercised only for the purpose of making public education more effective. This limitation will not, however, be felt in practice, for almost any provision which is likely to be made under this section would have the required effect.

<sup>b</sup> Provision may be made for persons of any age attending any educational institutions, whether publicly managed or not, and (apparently) whether full or part-time.

<sup>c</sup> The sanction of the Board will be required to any provision made under this section.

<sup>d</sup> The authority may either provide these facilities themselves or aid those carried on by private persons or societies.

<sup>e</sup> Apparently these words will include all kinds of social or recreative clubs (*e.g.*, boys' clubs, choral societies, debating societies).

It is thus apparent that an authority will be able to carry on or aid in carrying on almost any recreative agency for children, adolescents and adults attending educational institutions. No duty is, however, imposed on the authority to act under the clause, unless action under it has been included in an approved scheme.

*Appointed day.*—8th August, 1918.

**18.—(1)** The local education authority for the purposes of Part II. of the Education Act, 1902, shall have the same duties and powers with reference to making provision for the

Medical inspection of schools and educational institutions.

medical inspection and treatment of children and young persons attending—

- (i) secondary schools provided by them ;
- (ii) any school to the governing body of which, in pursuance of any scheme made under the Welsh Intermediate Education Act, 1889, any payments are made out of any general fund administered by a local education authority as a governing body under that Act, and any school of which a local education authority are the governing body under that Act ;
- (iii) continuation schools under their direction and control ; and
- (iv) such other schools or educational institutions (not being elementary schools) provided by them as the Board direct ;

as a local education authority for the purposes of Part III. of the Education Act, 1902, have under paragraph (b) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, with reference to children attending public elementary schools, and may exercise the like powers as respects children and young persons attending any school or educational institution, whether aided by them or not, if so requested by or on behalf of the persons having the management thereof.

(2) The Local Education Authorities (Medical Treatment) Act, 1909, shall apply where any medical treatment is given in pursuance of this section as it applies to treatment given in pursuance of section thirteen of the Education (Administrative Provisions) Act, 1907.

The effect of this section is to give the authorities for higher education (Part II. authorities) the same duties and powers respectively as to Medical Inspection and treatment in relation to the institutions referred to as authorities for elementary education had prior to this Act in relation to elementary schools.

By the Education (Administrative Provisions) Act, 1907, sec. 13 (1) (b) there is conferred on authorities for elementary education (Part III. authorities) the *duty* of medical inspection at the beginning and end of school life and on such other occasions as the Board may direct, and the *power* to make such arrangements as the Board may sanction for "attending to the health and physical condition" of the children.

This section extends that duty and power respectively to the higher education (Part II.) authorities in relation to the institutions mentioned. These will be :—

- (i) Secondary schools provided by the authority
- (ii) Certain Welsh schools.
- (iii) All continuation schools under the authority's "direction and control" (including apparently works schools and other non-provided continuation schools) unless any such schools are carried on in spite of non-recognition by the authority. (See Introduction *ante*, page 16),
- (iv) Such other schools and institutions provided by the authority as the Board may direct. These might include Schools of Arts and Crafts, Junior Trade Schools, &c.

In all these institutions the authority *must* inspect and *may* treat. The *powers* of the same paragraph (but not the *duty*) are extended also to—

- (v) Any educational institution, whether aided by the authority or not, at the request of the managers. Thus at the request of the governors the authority might inspect and treat the pupils of any endowed secondary or public or private school. Presumably they would only agree to do so on terms as to payment.

*Subsection (2).* The Act referred to provides that, except in necessitous cases, a charge shall be made for treatment.

*Appointed day.*—8th August, 1918 ("except in so far as the section imposes a duty").

Nursery  
schools.

**19.**—(1) The powers of local education authorities for the purposes of Part III. of the Education Act, 1902, shall include power to make arrangements for—

- (a) supplying or aiding the supply of nursery schools (which expression shall include nursery classes) for children over two and under five years of age, or such later age as may be approved by the Board of Education, whose attendance at such a school is necessary or desirable for their healthy physical and mental development; and
- (b) attending to the health, nourishment, and physical welfare of children attending nursery schools.

(2) Notwithstanding the provisions of any Act of Parliament the Board of Education may, out of moneys provided by Parliament, pay grants in aid of nursery schools, provided that such grants shall not be paid in respect of any such school unless it is open to inspection by the local education authority, and unless that authority are enabled to appoint representatives on the body of managers to the extent of at least one-third of the total number of managers, and before recognising any nursery school the Board shall consult the local education authority.

For a general discussion of this section, see Introduction, page 19. See also the Board's "Draft Regulations for Nursery Schools."

*Appointed day.*—8th August, 1918.

Education of  
physically  
defective  
and epileptic  
children.

**20.**—A local education authority shall make arrangements under the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, for ascertaining what children in their

area are physically defective or epileptic within the meaning of those Acts, and the provisions of the Elementary Education (Defective and Epileptic Children) Act, 1914,<sup>a</sup> relating to mentally defective children shall be extended so as to apply to physically defective and epileptic children, and accordingly that Act shall have effect as if references therein to mentally defective children included references to physically defective and epileptic children.

This section embodies a concession to the demand made in Committee of the House of Commons that authorities should have the duty of looking after physically as well as mentally defective children.

<sup>a</sup> The Act referred to declares by sec. 1 that it shall be the duty of the local education authority to make suitable provision either alone or in conjunction with other authorities, for the education of children over 7 years old, who are ascertained to be mentally defective. Subsequent sections make provision for the establishment of boarding schools in certain cases, for consultation of parents, for co-operation with other authorities and persons, and other cognate matters.

By sec. 11 of the Elementary Education (Defective and Epileptic Children) Act, 1899, a defective or epileptic child shall be deemed to be a child, and shall be subject to the obligation to attend school, up to the age of 16.

*Appointed day.*—Under Sec. 52 (3) *post* the duty to establish certified schools for boarding and lodging physically defective and epileptic children will not arise for seven years from the appointed day. The appointed day has not yet been fixed.

**21.**—Where a local education authority for the purposes of Part III. of the Education Act, 1902, are satisfied in the case of any children that, owing to the remoteness of their homes or the conditions under which the children are living, or other exceptional circumstances affecting the children, those children are not in


Powers for the education of children in exceptional circumstances.

a position to receive the full benefit of education by means of the ordinary provision made for the purpose by the authority, the authority may, with the approval of the Board of Education, make such arrangements, either of a permanent or temporary character, and including the provision of board and lodging, as they think best suited for the purpose of enabling those children to receive the benefit of efficient elementary education, and may for that purpose enter into such agreement with the parent of any such child as they think proper :

Provided that where a child is boarded out in pursuance of this section the local education authority shall, if possible, and, if the parent so requests, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents.

This useful clause will enable authorities to make provision either temporary or permanent for children (a) who live too far away to attend school in the ordinary way, or (b) whose homes are periodically removed. The provision would usually take the form either of a residential school or of a hostel where the child would live while attending an ordinary school. The authority would charge for the board and lodging, and have power to make agreements with the parent for that purpose. Children living on remote moorland farms could thus be sent in to a hostel in the county town for the week to attend school, and return home for the week-ends. The section would also extend to cases where the parents remove temporarily at certain seasons for the sake of their work and shut up the home. The approval of the Board is required.

By the Canal Boats Acts, 1877 and 1884 a child living on a canal boat is deemed to be resident where the boat is registered and the obligation to attend school in the ordinary way is affirmed. No special provisions, however,





are made for such children, except that a canal company is empowered to establish residential schools for them. Under the present section a local authority could do the same.

Authorities already have power to provide conveyances to bring remote children to school, and in such cases the remoteness is no excuse for non-attendance. [Education (Administrative Provisions) Act, 1907, sec. 14].

*Appointed day.*—8th August, 1918.

**22.**—Section one of the Education (Choice of Employment) Act, 1910, which confers on certain local education authorities the power of assisting boys and girls with respect to the choice of employment, shall have effect as if “eighteen years of age” were therein substituted for “seventeen years of age.”

Amendment  
of Education  
(Choice of  
Employ-  
ment) Act,  
1910.

This will enable Juvenile Employment Bureaux to deal with young persons up to the age at which they will leave continuation schools.

*Appointed day.*—27th November, 1918.

**23.**—With a view to promoting the efficiency of teaching and advanced study, a local education authority for the purposes of Part II. of the Education Act, 1902, may aid teachers and students to carry on any investigation for the advancement of learning or research in or in connection with an educational institution, and with that object may aid educational institutions.

Power to  
aid research.

This is a new power, under which authorities will be able (*e.g.*) to set free exceptional teachers to conduct educational experiments, or to aid a department of research at a University.

*Appointed day.*—8th August, 1918.

Provision of  
maintenance  
allowances.

**24.**—It is hereby declared that the powers as to the provision of scholarships conferred by subsection (2) of section twenty-three of the Education Act, 1902, and by section eleven of the Education (Administrative Provisions) Act, 1907, include a power to provide allowances for maintenance.

The Education Act, 1902, sec. 23 (2) relates to higher education and provides that "the power of a council to supply or aid the supply of education, *other than elementary* shall include power . . . to provide or assist in providing scholarships for, and to pay or assist in paying the fees of students ordinarily resident in the area of the Council at schools or colleges or hostels within or without that area."

The Education (Administrative Provisions) Act, 1907, sec. 11, relates to elementary education and declares that "the powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include a power to aid by scholarships or bursaries the instruction in *public elementary schools* of scholars from the age of 12 up to the limit of age fixed for the provision of instruction in a public elementary school by subs. 2. of sec. 22 of that Act (*i.e.*, about 16 years).

It is now made clear, as was probably the law before, that where a scholarship may be given, maintenance may also be given.

*Appointed day.*—8th August, 1918.

Provisions  
as to medical  
treatment.

**25.**—A local education authority shall not, in exercise of the powers conferred upon them by paragraph (b) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, or by this Act, establish a general domiciliary service of treatment by medical practitioners for children or young persons, and in making arrangements for the treatment of children and young persons a local education authority shall consider how far they can avail themselves of the services of private medical practitioners.

This provision is new. It is intended to prevent an authority from doing by the School Medical Service the ordinary work of an ordinary general practitioner. The Act referred to is that under which the School Medical Service is carried on.

*Appointed day.*—8th August, 1918.

*Abolition of Fees in Public Elementary Schools.*

**26.**—(1) No fees shall be charged or other charges of any kind made in any public elementary school, except as provided by the Education (Provision of Meals) Act, 1906, and the Local Education Authorities (Medical Treatment) Act, 1909.

Abolition  
of fees in  
public ele-  
mentary  
schools.

(2) During a period of five years from the appointed day the Board of Education shall in each year, out of moneys provided by Parliament, pay to the managers of a school maintained but not provided by a local education authority in which fees were charged immediately before the appointed day, the average yearly sum paid to the managers under section fourteen of the Education Act, 1902, during the five years immediately preceding the appointed day.

(3) Nothing in this Act shall affect the provisions of section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, or of section eight of the Elementary Education (Defective and Epileptic Children) Act, 1899.

*Subsection (1).* This forms another stage in the gradual provision of free education which has been in progress since 1870.

The Education (Provision of Meals) Act, 1906, provides (Sec. 2) that the authority shall make a charge against the parent and recover the amount from him, except where they are satisfied that he is unable to pay. The Local Education Authorities (Medical Treatment) Act,

1909, contains similar provision with regard to medical treatment of a child.

*Subsection (2).* Under sec. 14 of the Act of 1902 the local authority receive the school-fees which they allow to continue to be charged in non-provided schools, but they are directed to pay "such proportion of those fees as may be agreed upon, or, in default of agreement, determined by the Board of Education," to the Managers. It has been usual under this section to return to the managers half the fees received. The present subs. will soften the blow to the managers of non-provided schools, who will receive for the next five years from the Board the amount they previously received from the local authority. The loss to the authority, however, of the proportion previously retained by them is not made up. This loss of fees may occasion some inconvenience in cases where Managers had been using them to augment salaries or strengthen the staff. The rise of salary scales which is everywhere taking place in consequence of the Supplementary Grant may meet the difficulty of salaries, but it will not touch the cases in which additional teachers had been provided, nor where the money had been periodically applied in maintenance of the fabric of the school.

*Subsection (3).* The Acts mentioned in this sub-section provide that parents of blind, deaf, defective and epileptic children shall contribute according to their means to the expenses incurred by the authority in sending the children to special schools.

*Appointed day.*—1st April, 1919, on which date the new provisions and regulations as to grant will come into force (see sec. 44, *post.*).

### *Administrative Provisions.*

**27.**—If the governing body of any school or educational institution not liable to inspection by any Government department, or, if there is no governing body, the headmaster, requests the Board of Education to inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit free of cost; but this section shall be without

prejudice to the provisions relating to the Central Welsh Board contained in subsection (1) of section three of the Board of Education Act, 1899.

Under sec. 8 a school will not be recognised as providing alternative elementary education unless it is open to inspection; also by sec. 10 the Board may refuse to recognise instruction put forward as alternative to continuation school unless they are enabled to inspect the school or institution in which it is given. This section is accordingly inserted to give the Board express power to inspect such schools and institutions. The next following section enables the Board to obtain information about any such schools and institutions.

*Appointed day.*—8th August, 1918.

**28.**—(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

Collection  
of informa-  
tion respect-  
ing schools.

(a) It shall be the duty of the responsible person as hereinafter defined, in respect of every school or educational institution not in receipt of grants from the Board of Education, to furnish to the Board of Education in a form prescribed by the Board—

(i) in the case of a school or educational institution existing at the appointed day, within three months of that day;

(ii) in the case of a school or educational institution opened after the appointed day, within three months of the opening thereof;

the name and address of the school or institution and a short description of the school or institution :

- (b) It shall be the duty of every such responsible person when required by the Board of Education to furnish to the Board such further particulars with respect to the school or institution as may be prescribed by regulations made by the Board :

Provided that the Board may exempt from both or either of the above obligations any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

(2) If the responsible person fails to furnish any information required by this section, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and to a penalty not exceeding five pounds for every day on which the failure continues after conviction therefor.

(3) For the purposes of this section "the responsible person" means the secretary or person performing the duty of secretary to the governing body of the school or institution, or, if there is no governing body, the headmaster or person responsible for the management of the school or institution.

(4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

*Appointed day.*—"As soon as convenient."

**29.**—(1) Notwithstanding anything in the Education Act, 1902, the appointment of all teachers of secular subjects not attached to the staff of any particular public elementary school and teachers appointed for the purpose of giving practical instruction,<sup>a</sup> pupil teachers, and student teachers,<sup>b</sup> shall be made by the local education authority, and it is hereby declared that the local education authority have power to direct the managers of any public elementary schools not provided by them to make arrangements for the admission of any such teachers to the schools.

Provisions with respect to appointment of certain classes of teachers.

(2) The provisions of subsection (3) of section seven of the Education Act, 1902,<sup>c</sup> shall apply to any question which arises under this section between the local education authority and the managers of a school.

<sup>a</sup> This will include supply teachers permanently in the pay of the authority, and peripatetic and specialist teachers generally.

<sup>b</sup> The previous law was that the authority could appoint pupil teachers to a non-provided school only where there were more candidates than places to be filled, and there was no express power for them to appoint student teachers to such a school at all. The change now made, however, will be more apparent than real. Since 1902 pupil teachers and student teachers have more and more become learners and not teachers. They now usually spend only part of their time in the elementary school, and are not reckoned as part of the staff. In such cases there are no "vacancies" for pupil-teachers in the old sense, and it is believed that in most areas no objection has been raised to the general allocation of pupil and student teachers by the authority.

<sup>c</sup> This subsection runs as follows:—"If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education."

*Appointed day.*—8th August, 1918.

Provisions as  
to closing of  
schools.

**30.**—(1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

(2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the school house shall be put at the disposal of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the school house in repair and to pay any outgoings in respect thereof, and to allow the use of the school house and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the school house during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eight of the Education Act, 1902,<sup>a</sup> to constitute the provision of a new school.

<sup>a</sup> The section referred to provides that the transfer of a school to a local education authority should be deemed to be the provision of a new school. It could only be effected, therefore, but for the change made by this section, after giving three months public notice.

*Appointed day.*—8th August, 1918.



**31.**—Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organisation of the schools ; and for the grouping of the schools under one body of managers constituted in the manner provided by subsection (2) of section twelve of the Education Act, 1902 :

Grouping of non-provided schools of the same denominational character.

Provided that, if the constitution of the body of managers falls to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections six and eleven of that Act ; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

This useful provision will meet a difficulty frequently felt by local administrators.

In urban areas the distribution of schools is often uneconomical and educationally unsound. Cases occur of voluntary schools close together, each too small to be economically staffed, or to have a teacher for each standard. Hitherto there has been no possibility of reorganising these without the consent of the managers, for so long as the accommodation of a voluntary school is needed, and it continues to be " efficient," it could not be touched, nor can the authority give directions that any particular children should attend any particular schools. A parent has a right to send his child to any elementary school which has room for him.

The present section will enable the authority to amalgamate two such schools and (*e.g.*) to direct that one shall be limited to junior children and the other to senior, thus probably effecting a saving of teachers and providing classes of an economical size.

Note, however, the following provisions and limitations :—

- (1) The authority may only redistribute the children in the schools. They are not empowered to close any school.
- (2) The schools must all be of the same religious denomination.
- (3) The sanction of the Board must be obtained.
- (4) If the managers so demand, a public enquiry must first be held.
- (5) The grouped schools may be placed under a single body of managers subject to sec. 12 of the Act of 1902. This provides that the body of managers of a set of grouped schools " shall consist of such number and be appointed in such manner and proportion as may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education."
- (6) If the formation of the body of managers falls to be determined by the Board, the Board must observe the principles and proportions prescribed by Secs. 6 and 11 of the Act of 1902, which are the sections providing for the appointment of bodies of managers of non-provided schools. Sec. 6 directs that there shall be four foundation managers and two representative managers and Sec. 11 makes provision for the method of appointing the foundation managers.

*Appointed day.*—8th August, 1918.

**32.**—(1) Notwithstanding the provisions of section six of the Education Act, 1902, or, in the case of London, subsection (1) of section two of the Education (London) Act, 1903, as to the

appointment of managers, any public elementary school which in the opinion of the Board is organised for the sole purpose of giving advanced instruction to older children may be managed in such manner as may be approved by the local education authority, and, in the case of a school not provided by that authority, also by the managers of the school.

(2) Notwithstanding anything contained in sections six and eight of the Education Act, 1902, or in section two of the Education (London) Act, 1903, the provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school, and any class conducted in such premises may be managed in such manner as may be approved by the local education authority.

“ *Subs. (1)* deals with the case of Public Elementary Schools for older children who may be drawn from a somewhat wide area. “ In the case of such schools the existing statutory provisions for the appointment of managers may cause some inconvenience ” (Board of Education Memo.) *e.g.* the sections referred to provide that in counties a provided school shall have a body of managers including not more than 2 appointed by the minor local authority (*i.e.* the borough or urban district or parish council). In the case of a central school this is obviously inappropriate.

*Subs. (2).* This subsection will settle doubts which have arisen as to the legal position of separate cookery or woodwork centres, not attached to any school, but drawing pupils from several. Three months notice of an intention to provide them will not be required, and they will not need to have managers like an ordinary elementary school.

*Appointed day.*—8th August, 1918.

Saving for certain statutory provisions.

**33.**—Except as expressly provided by this Act, nothing in this Act shall affect the provisions of the Education Acts relating to public elementary schools not provided by the local education authority or the provisions of Part II. of the Education Act, 1902.

*Appointed day.*—8th August, 1918.

Acquisition of land by local education authority.

**34.**—(1) A local education authority may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts, by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in paragraphs (1) to (13) of the First Schedule to the Housing Town Planning, &c. Act., 1909, and those provisions shall have effect for the purpose, with the substitution of the Board of Education for the Local Government Board, of the local education authority for the local authority, and of references to the Education Acts for references to “this Act”:

Provided that—

- (a) the Board of Education shall not confirm any such order even when unopposed if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired;
- (b) an order for the compulsory purchase of land in the administrative county of London shall be subject to the provisions of subsection (2) of section two of the Education (London) Act, 1903;<sup>a</sup>
- (c) an order for the compulsory purchase of land which by section forty-five of the

Housing, Town Planning, &c., Act, 1909, is exempt from compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890<sup>b</sup> shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(2) The powers given by this section in relation to the compulsory purchase of land by the local education authority shall be in substitution for any other powers existing for that purpose, but without prejudice to any powers conferred by any Provisional Order confirmed by Parliament before the appointed day.

*General Note.*—All public authorities have been greatly hampered in the past by the dilatory and expensive procedure necessary in order to acquire land compulsorily. The Housing and Town Planning, &c., Act, 1909, provided a simpler and cheaper procedure, which is now made available for education authorities, and supersedes their powers under previous enactments. Under this procedure no allowance is to be made for compulsory purchase, the compensation is settled by a single arbitrator, no expert witnesses are to be heard, and no allowance made for loss of trade or goodwill.

The following is a summary of the code of procedure :—

- (1) An authority wanting to purchase land compulsorily may submit to Board of Education an order putting in force the Lands Clauses Acts.
- (2) Board may confirm order : when confirmed to be final.
- (3) No allowance for compulsory purchase.
- (4) As to contents of order. Compensation to be settled by single arbitrator.
- (5) As to publication and notices.
- (6) If unopposed, order to be confirmed (unless land unsuitable). If opposed public enquiry to be held.

- (7) If land in a town, Board shall appoint impartial person not employed in any Government Department to hold enquiry, and if order confirmed against his report, it shall be provisional only unless confirmed by Parliament.
- (8) Arbitrator to use his own judgment. No expert witnesses. Evidence of loss of trade or goodwill inadmissible.
- (9) Board may fix scale of costs. Arbitrator may fix costs, and disallow unnecessary costs.
- (10) Arbitrator's fee fixed by Board.
- (11)—(13) Sundry provisions.

It may be remembered that under the Education (Administrative Provisions) Act, 1911, Sec. 3, the plans of an authority for new school buildings, if approved by the Board, are exempt from local bye-laws. These two sections together should materially facilitate the provision of sites and buildings for new schools.

<sup>a</sup> This provides that before determining upon the site of a new provided school the authority shall consult the borough council concerned.

<sup>b</sup> This section exempts the site of ancient monuments or other objects of antiquarian interest, and the property of a local authority, and land acquired by a corporation or company for railway, dock, canal, water, or other public undertaking purposes, or forming part of any park, garden, or pleasure ground, or required for the amenity or convenience of any dwelling-house.

*Appointed day.*—8th August, 1918.

**35.**—A local education authority may, with the consent of the Board of Education, who shall consult the authority of the area in which the proposed site is situated, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of the Education Acts a school so provided shall be deemed to be situated within the area of the authority.

*Appointed day.*—8th August, 1918.

Power to provide elementary schools outside area.

**36.**—(1) It shall not be obligatory on a county council to charge on or raise within particular areas any portion of such expenses as are mentioned in paragraph (c) or paragraph (d) of subsection (1) of section eighteen of the Education Act, 1902, and accordingly each of those paragraphs shall have effect as if for the word “shall” there was submitted the word “may” and as if the words “less than one half or” were omitted therefrom; and, where before the passing of this Act any portion of such expenses has been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.

Amendments  
with respect  
to the allo-  
cation of  
expenses to  
particular  
areas.

(2) Before charging any expenses under section eighteen (1) (a) of the Education Act, 1902, on any area situate within a borough or urban district the council of which is an authority for the purposes of Part III. of the Education Act, 1902, a county council shall consult the council of the borough or urban district concerned.

*Subs. (1).*—The Education Act, 1902, Sec. 18 (1) as altered by this section will read—“(c) The county council may change such portion as they think fit, not being more than three-fourths of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school on the parish or parishes which in the opinion of the council are served by the school.” (d) “The county council may raise such portion as they think fit, not being more than three-fourths of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them, exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within their area.”

In both these cases the decision of the county council is final: there is no appeal.

*Subs. (2).* The Education Act, 1902, Sec. 18 (1) (a) empowers a county council to charge *any* expenses in respect of education *other than elementary* upon the parish or parishes particularly benefited.

Any Part III. Authority affected must be consulted.

*Appointed day.*—8th August, 1918.

Provisions as  
to expenses  
of Pro-  
visional  
Orders, &c.

**37.**—Any expenses incurred by a council in connection with any Provisional Order for the purposes of the Education Acts, or any Order under this Act for the purpose of the acquisition of land, shall be defrayed as expenses of the council under the Education Act, 1902, and the council shall have the same power of borrowing for the purpose of those expenses as they have under section nineteen of the Education Act, 1902, for the purpose of the expenses therein mentioned.

*Appointed day.*—8th August, 1918.

Expenses of  
education  
meetings,  
conferences,  
&c.

**38.**—Any council having powers under the Education Acts may, subject to regulations made by the Board of Education, defray as part of their expenses under those Acts any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in connection with, meetings or conferences held for the purpose of discussing the promotion and organisation of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference : Provided that—

- (a) the expenses of more than three persons in connection with any meeting or conference shall not be paid except with the previous sanction of the Board of Education ;



- (b) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council ;
- (c) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference ;
- (d) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorised or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorise or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

*Appointed day.*—2nd December, 1918.

**39.**—The powers of a local education authority for the purposes of Part III. of the Education Act, 1902, shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

Power to pay expenses of prosecution for cruelty.

Sec. 12 of the Children Act, 1908, provides for the prosecution and punishment of persons for various offences of cruelty to and neglect of children and young

persons. " Child " for this purpose means a person under the age of 14 years : " young person " a person who is 14 and upwards and under 16.

(Note the different definitions in the present Act, Sec. 48 *post*).

Proceedings under the section may be taken by Boards of Guardians or in London by the County Council or in the city by the Common Council. The concurrent power to take proceedings given by this section to authorities for elementary education will be useful in cases where offences are discovered by teachers or disclosed in the course of the school medical work.

*Appointed day*.—8th August, 1918.

Public in-  
quiries by  
Board of  
Education.

**40.**—(1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under the Education Acts.

(2) The following provisions shall (except as otherwise provided by the Education Acts) apply to any public inquiry held by the Board of Education :—

- (a) The Board shall appoint a person or persons to hold the inquiry :
- (b) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting :
- (c) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting,

seven days at least before the holding thereof :

- (d) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Board :
- (e) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Board, to any person interested :
- (f) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof :
- (g) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

*Appointed day.*—8th August, 1918.

Inspection  
of minutes.

**41.**—The minutes of the proceedings of a local education authority and, where a local education authority delegate to their education committee any powers, and the acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

*Appointed day.*—8th August, 1918.

Payments to  
the Central  
Welsh  
Board.

**42.**—(1) For the yearly sum payable to the Central Welsh Board under the scheme regulating the intermediate and technical education fund of any county, as defined by the Welsh Intermediate Education Act, 1889, there shall be substituted—

- (a) a yearly sum equal to a percentage not exceeding twenty-two and a half per cent. fixed from time to time at a uniform rate for every county by the Central Welsh Board of the sum produced by a rate of one halfpenny in the pound for the preceding year, calculated in the manner provided by subsection (3) of section eight of the Welsh Intermediate Education Act, 1889 ; and
- (b) a yearly sum equal to five per cent. of the net income for the preceding year of any endowment comprised in the intermediate and technical education fund of the county, or, in the alternative,

for each year during such period as may be agreed with the Central Welsh Board, such yearly sum as that Board may agree to accept in lieu thereof.

(2) For the purpose of ascertaining the said net income there shall be deducted from the gross income all proper expenses and outgoings in respect of administration and management of the endowment (including charges for interest on and repayment of loans and replacement of capital) and any sums required by the scheme to be treated as capital, and the term "endowment" shall include augmentations acquired by the investment of surplus income whether derived from endowment or county rate, or from any other source, but not property occupied for the purposes of the scheme.

(3) The power of charging capitation fees for scholars offered for examination conferred on the Central Welsh Board by the scheme of the thirteenth day of May, eighteen hundred and ninety-six, regulating the Central Welsh Intermediate Education Fund shall cease.

(4) The provisions of this section shall have effect and be construed as part of the schemes regulating the Central Welsh Intermediate Education Fund and the intermediate and technical education funds of counties in Wales and Monmouthshire, and may be repealed or altered by future schemes accordingly.

*Appointed day.*—1st April, 1919.

**43.** All orders, certificates, notices, requirements, and documents of a local education authority under the Education Acts, if purporting to be signed by the clerk of the authority or of the education committee, or

Evidence of certificates, &c., issued by local education authorities.

by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

*Appointed day.*—8th August, 1918.

Education  
grants.

**44.**—(1) The Board of Education shall, subject to the provisions of this Act, by regulations provide for the payment to local education authorities out of moneys provided by Parliament of annual substantive grants in aid of education of such amount and subject to such conditions and limitations as may be prescribed in the regulations, and nothing in any Act of Parliament shall prevent the Board of Education from paying grants to an authority in respect of any expenditure which the authority may lawfully incur.

(2) Subject to the regulations made under the next succeeding subsection, the total sums paid to a local education authority out of moneys provided by Parliament and the local taxation account in aid of elementary education or education other than elementary, as the case may be, shall not be less than one half of the net expenditure of the authority recognised by the Board of Education as expenditure in aid of which parliamentary grants should be made to the authority, and, if the total sums payable out of those moneys to an authority in any year fall short of one half of that expenditure, there shall be paid by the Board of Education to that authority, out of moneys provided by Parliament, a deficiency grant equal to the amount of the deficiency, provided that a

deficiency grant shall not be so paid as to make good to the authority any deductions made from a substantive grant.

(3) The Board of Education may make regulations for the purpose of determining how the amount of any deficiency grant payable under this section shall be ascertained and paid, and those regulations shall, if the Treasury so direct, provide for the exclusion in the ascertainment of that amount of all or any sums paid by any Government department other than the Board of Education and of all or any expenditure which in the opinion of the Board of Education is attributable to a service in respect of which payments are made by a Government department other than the Board of Education.

(4) The fee grant under the Elementary Education Act, 1891, as amended by the Elementary Education (Fee Grant) Act, 1916, the aid grant under section ten of the Education Act, 1902, and the small population grant under section nineteen of the Elementary Education Act, 1876, as amended by the Education Code (1890) Act, 1890, and the Education (Small Population Grants) Act, 1915, shall cease on the appointed day.

(5) If, by reason of the failure of an authority to perform its duties under the Education Acts or to comply with the conditions on which grants are made, the deficiency grant is reduced or a deduction is made from any substantive grant exceeding five hundred pounds or the amount which would be produced by a rate of a halfpenny in the pound, whichever is the less, the Board of Education shall cause to be laid before Parliament a report stating

the amount of and the reasons for the reduction or deduction.

(6) Any regulations made by the Board of Education for the payment of grants shall be laid before Parliament as soon as may be after they are made.

This section carries out the President's expressed intention of consolidating and remodelling the existing educational grants. The *first subs.* provides for the payment of substantive grants to local education authorities, and provides that grant may be given in respect of any lawful expenditure.

The limitations, however, of the provision should be noted.

- (i) The whiskey money is counted as grant for the purpose of the computation.
- (ii) It is not 50% of the authority's total expenditure but 50% of the expenditure on objects which in the Board's opinion should be aided by grant. This may conceivably rule out considerable items of expense.
- (iii) The deficiency grant is not to make up any deductions from a substantive grant made by way of penalty. This is of course reasonable.
- (iv) The regulations for computing the deficiency grant may provide for the exclusion from the amount of the authority's net expenditure of sums paid by any other Government department, and of expenditure on services for which another department ought to pay. That is to say, if for example an authority were to conduct a reformatory school aided by grants from the Home Office, or munitions classes subsidised by the Ministry of Munitions, the whole of the authority's expenditure on those heads would be excluded from the calculation of the authority's total net expenditure.

*Subs.* (4) abolishes all the ordinary grants which at present depend upon statutory sanction, so as to clear the way for reorganisation and consolidation. It is the existence of those grants which has made it obligatory



hitherto to calculate the Supplementary Grant on figures two years old. Henceforward the new grants will be based on the expenditure of the current year. As education expenditure has risen so rapidly of late, this will be a substantial relief to local authorities.

Subs. (5) provides that any deduction from grant by way of penalty exceeding £500 or a halfpenny rate, whichever is smaller, shall be reported to Parliament, so that questions may be raised, and Parliamentary action taken, if desired, thereon.

*Appointed day.*—For subs. (4) so far as it relates to the Small Population Grant, 1st Oct., 1918. For subs. (6), 1st Nov., 1918. For the rest of the section, 1st April, 1919.

### *Educational Trusts.*

45.—(1) His Majesty may by Order in Council constitute and incorporate with power to hold land without licence in mortmain one or more official trustees of educational trust property, and may apply to the trustee or trustees so constituted the provisions of the Charitable Trusts Acts, 1853 to 1914, relating to the official trustee of charity lands and the official trustees of charitable funds so far as they relate to endowments which are held for or ought to be applied to educational purposes.

(2) On the constitution of an official trustee or official trustees of educational trust property,

(a) all land or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and

(b) all securities then vested in the official trustees of charitable funds which those trustees certify to be held by them as endowments for solely educational purposes,

Power to constitute official trustees of educational trust property.

shall by virtue of this Act vest in the official trustee or trustees of educational trust property upon the trusts and for the purposes for which they were held by the official trustee of charity lands and the official trustees of charitable funds, and, on such a certificate by the official trustees of charitable funds as aforesaid being sent to the person having charge of the books or registers in which any such securities are inscribed or registered, that person shall make such entries in the books or registers as may be necessary to give effect to this section.

(3) If any question arises as to whether an endowment or any part of an endowment is held for or ought to be applied to solely educational purposes, the question shall be determined by the Charity Commissioners.

Under the various acts relating to charities the Charity Commission acquired a general jurisdiction over charities and endowments, whether educational or not, and official trustees (*a*) of charity lands and (*b*) of charitable funds were constituted. These hold the lands and investments respectively on behalf of the acting trustees of the charity. They take no part in management, and their duties are confined to paying the rents and income to or at the direction of the acting trustees. As they are in law perpetual corporations, the expenses of transfer and risks of loss on the change or death of the acting trustees are avoided.

By the Board of Education Act, 1899, the powers and duties of the Charity Commission in relation to educational charities were transferred to the Board. This section completes the process by enabling the Board to set up official trustees of their own for educational charities. The transfer of property from private trustees to the official trustees will remain, as it was before, voluntary, though it may be insisted on if it becomes necessary to apply for a new scheme of administration. In any case the powers of the acting trustees to manage the trust are not diminished.

*Appointed day.*—8th August, 1918.

46.—(1) Any assurance, as defined by section ten of the Mortmain and Charitable Uses Act, 1888, of land or personal estate to be laid out in the purchase of land for educational purposes, whether made before or after the passing of this Act, shall be exempt from any restrictions of the law relating to Mortmain and Charitable Uses, and the Mortmain and Charitable Uses Acts, 1888 and 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892, shall not apply with respect to any such assurance.

Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts.

(2) Subsection (1) of section ten of the Technical and Industrial Institutions Act, 1892, so far as it relates to the enrolment in the books of the Charity Commissioners of every conveyance or assurance of land for the purposes of institutions established under that Act, is hereby repealed.

(3) Every assurance of land or personal estate to be laid out in the purchase of land for educational purposes, including every assurance of land to any local authority for any educational purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land, shall be sent to the offices of the Board of Education in London for the purpose of being recorded in the books of the Board as soon as may be after the execution of the deed or other instrument of assurance, or in the case of a will after the death of the testator.

*Subs. (1).* Ever since feudal times the law of England has placed severe restrictions upon the transferring of land for charitable purposes, thus removing it from the feudal incidents of tenure on a death, and restricting its future transfer.

These restrictions were partially removed for specified purposes, which it was desired to encourage, by the enactments mentioned above and others. The present

section completes the process, and abolishes the restrictions entirely as regards any "assurance of land or personal estate to be laid out in the purchase of land for educational purposes."

The only condition now remaining is that every such assurance shall be registered with the Board (subs. 3). No penalty is, however, imposed for non-compliance, nor will non-compliance apparently affect the validity of the assurance.

*Subsecs. (2) and (3).* The Technical and Industrial Institutions Act, 1892, is entitled "An Act to facilitate the acquisition and holding of land by Institutions for promoting Technical and Industrial Instruction and Training." It provides a code for the acquisition of land by all such institutions, whether managed by a local education authority or not, and incorporates certain provisions of the Lands Clauses Acts (Sec. 4). So far as such institutions are managed by local education authorities it would appear that this procedure will now be superseded by the cheaper and more convenient provisions of the Housing, Town Planning, &c., Act, 1909, authorised by Sec. 33 (1) *ante*.

The effect of subs. (2) and (3) above is that assurances of land for educational purposes, whether under the Act of 1892 or not, must now be registered with the Board of Education and not with the Charity Commission. It is part of the scheme for transferring to the Board the powers of the Charity Commission in educational matters, which is effected by sec. 45 *ante*.

*Appointed day.*—8th August, 1918.

**47.**—Where, under any scheme made before the passing of this Act relating to an educational charity, the approval of the Board of Education is required to the exercise by the trustees under the scheme of a power of appointing new trustees, the scheme shall, except in such cases as the Board may otherwise direct, have effect as if no such approval was required thereunder, and the Board may by order make such modifications of any such scheme as may be necessary to give effect to this provision.

*Appointed day.*—8th August, 1918.

Appoint-  
ment of new  
trustees  
under  
scheme.

*General.*

**48.**—(1) In this Act, unless the context otherwise requires,— Definitions.

The expression “child” means any child up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the byelaws made thereunder<sup>a</sup> ;

The expression “young person” means a person under eighteen years of age who is no longer a child ;

The expression “parent” in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person<sup>b</sup> ;

The expression “practical instruction” means instruction in cookery, laundry-work, housewifery, dairywork, handicrafts, and gardening, and such other subjects as the Board declare to be subjects of practical instruction ;

The expression “school term” means the term as fixed by the local education authority ;

The expression “sea service” has the same meaning as in the Merchant Shipping Acts, 1894 to 1916, and includes sea-fishing service ;

Other expressions have the same meaning as in the Education Acts.

(2) In the Education Acts the expressions “employ” and “employment” used in reference to a child or young person include employment in any labour exercised by way

of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person."

(a) By virtue of Secs. 8 and 9 a child will cease to be under this obligation at the end of the school term in which he attains the age of 14 (or in which he attains the age of 15, if the authority has made a byelaw applying to him, and raising the exemption age to 15.)

(b) "Parent" in relation to a child has a similar extended meaning (Elementary Education Act, 1870, Sec. 3.)

(c) This is the same definition as that contained in the Employment of Children Act, 1903. If a parent uses his child *in his business* it will be employment, though he pays him no wages. If, however, a mother employs her daughter in domestic duties, this will not be employment, since it is not "by way of trade or for purposes of gain."

*Appointed day.*—8th August, 1918.

Compensation to existing officers.

**49.**—Section one hundred and twenty of the Local Government Act, 1888,<sup>a</sup> which relates to compensation to existing officers, shall apply to officers serving under local education authorities at the passing of this Act who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, subject as follows :—

- (a) Teachers in public elementary schools maintained by a local education authority shall be deemed to be officers serving under that authority ;
- (b) References to a county council shall include references to a borough or urban district council ;
- (c) The reference to "the passing of this Act" shall be construed as a reference to the date when the loss arose ;

- (d) The reference to the Acts and rules relating to His Majesty's civil service shall be construed as a reference to the acts and rules which were in operation at the date of the passing of the Local Government Act, 1888 ; and
- (e) Any expenses shall be paid by the council under whom the officer was serving at the date when the loss arose out of the fund or rate out of which the expenses of the council under the Education Acts are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of those Acts.

<sup>a</sup> This section provides a code of procedure for applications for compensation. All relevant circumstances are to be taken into account, but no scale is fixed. The applicant is to deliver a claim, showing his emoluments for the past five years, and verified by statutory declaration. If he is dissatisfied with the decision he may within three months of the decision appeal to the Treasury.

*Appointed day.*—8th August, 1918.

**50.**—The provisions of the Education Acts mentioned in the first column of the First Schedule to this Act shall apply with respect to young persons, continuation schools, and the Education Acts and instruments made thereunder in like manner as they apply with respect to children, elementary schools, and the enactments mentioned in those provisions and instruments made under those enactments, and accordingly those provisions shall have effect as set out and modified in the second column of that schedule.

Extension of  
certain pro-  
visions of  
the Educa-  
tion Acts.  
Repeals.

*Appointed day.*—8th August, 1918, so far as necessary in connection with other sections brought into force.

Repeals.

**51.**—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

*Appointed days.*—As required in connection with the sections from time to time brought into force.

Short title,  
construction,  
extent, and  
commence-  
ment.

**52.**—(1) This Act may be cited as the Education Act, 1918, and shall be read as one with the Education Acts, 1870 to 1916, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1918, and are in this Act referred to as “the Education Acts.”

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas, and for different persons or classes of persons :

Provided that the appointed day for the purposes of sub-sections (1) and (2) of section eight shall not be earlier than the termination of the present war, and for the purposes of paragraph (III.) of subsection (2) of section thirteen shall not be earlier than three years after the passing of this Act, and that for a period of seven years from the appointed day the duty of the council of a county (other than the London County Council) shall not include a duty to establish certified schools for boarding and lodging physically defective and epileptic children.

*Appointed day.*—8th August, 1918.



## SCHEDULES.

## FIRST SCHEDULE.

## EXTENSION OF ENACTMENTS.

Enactment extended.	Enactment as extended.
<p>Elementary Education Act, 1870 s. 36</p> <p>s. 81</p> <p>s. 84</p>	<p>Every local education authority may, if they think fit, appoint an officer or officers to enforce the Education Acts and any byelaws, orders or other instruments made thereunder with reference to the attendance of children or young persons at school.</p> <p>Certificates, notices, requisitions, orders, precepts, and all documents required by the Education Acts or any regulations or byelaws made thereunder to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.</p> <p>After the expiration of three months from the date of any order or requisition of the Board of Education under the Education Acts such order or requisition shall be presumed to have been duly made, and to be within the powers of the Education Acts, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.</p>
<p>Elementary Education Act, 1873. s. 24</p>	<p>With respect to proceedings before a court of summary jurisdiction for offences and penalties under the Education Acts or any byelaws made thereunder the following provisions shall have effect:—</p> <p style="text-align: center;">* * * *</p>

Enactment extended.	Enactment as extended.
<p data-bbox="194 227 466 277">Elementary Education Act, 1873.—<i>cont.</i></p>	<p data-bbox="560 252 976 602">(4) Any justice may require by summons any parent or employer of a child or young person, required by the Education Acts or by any byelaws, orders, or other instruments made thereunder to attend school, to produce the child or young person before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings.</p> <p data-bbox="560 602 976 855">(5) A certificate purporting to be under the hand of the principal teacher of a public elementary or continuation school, stating that a child or young person is or is not attending such school, or stating the particulars of the attendance of a child or young person at such school, shall be evidence of the facts stated in such certificate.</p> <p data-bbox="560 855 976 1007">(6) Where a child or young person is apparently of the age alleged for the purposes of the proceedings, it shall lie on the defendant to prove that the child or young person is not of such age.</p> <p data-bbox="640 1015 935 1032" style="text-align: center;">* * * *</p> <p data-bbox="560 1049 976 1500">(8) Where a local education authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person who is resident within the district of such local education authority and attends such school attends school in conformity with the Education Acts or any byelaws, orders, or other instruments made thereunder, it shall lie on the defendant to show that the child or young person has attended school in conformity with the said Acts, byelaws, orders, or other instruments.</p>

Enactment extended.	Enactment as extended.
<p>Elementary Education Act, 1876.</p> <p>s. 38</p>	<p>No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction by any person appointed to carry out the Education Acts or any byelaws made thereunder, except by the direction of not less than two members of the education committee of a local education authority, or of any sub-committee appointed by that committee for school attendance purposes.</p>

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	<p>Section seventeen.</p> <p>In section twenty from the beginning of subsection (2) to the end of subsection (8).</p> <p>Sections fifty-two.</p> <p>Sections sixty-seven to seventy-two.</p> <p>Section seventy-three.</p> <p>In section seventy-four the words " (3) Providing for " the remission or payment of the whole or any part of the fees of any child where the school parent satisfies the board that he is unable from poverty to pay the same "; and the words from " Provided that any byelaw " down to the words " specified in such byelaw."</p> <p>Section ninety-four.</p> <p>Section ninety-seven from " Provided that no such minute " to the end of the section.</p>

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 27.	The Elementary Education Act, Amendment Act, 1872.	The whole Act.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section fifteen. Section nineteen. Subsections (3) and (7) of section twenty-four, and in subsection (5) the words or stating that a child has "been certified by one of Her Majesty's Inspectors to have reached a particular standard of education."
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section five. Section six. Section seven from "Provided that" to the words "by information and otherwise." Section nine. Section ten. In section eleven the words "who is under this Act prohibited from being taken into full time employment." Section nineteen. In section twenty-four from the beginning of the section down to "the parent of such child"; and the words "and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto"; and the words "and other records of such proficiency and attendance." Section twenty-eight. Section twenty-nine. Section thirty-five. In section thirty-seven the words from "And every person who shall fraudently" down to "not exceeding fourteen days."

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79— <i>cont.</i>	The Elementary Education Act, 1876— <i>cont.</i>	Section thirty-nine. Section forty. Section forty-five. Section forty-six. Section forty-seven. Section fifty. The First Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	Section four. Section five.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	The whole Act.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	The whole Act.
55 & 56 Vict. c. 29.	The Technical and Industrial Institutions Act, 1892.	In section ten the words “ but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners.”
56 & 57 Vict. c. 51.	The Elementary Education (School Attendance) Act, 1893.	The whole Act.
60 & 61 Vict. c. 32.	The School Board Conference Act, 1897.	The whole Act.
62 & 63 Vict. c. 13.	The Elementary Education (School Attendance Act 1893) Amendment Act, 1899.	The whole Act.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section one. In section six the words “ and in section four of the Elementary Education Act, 1880.”
1 Edw. 7. c. 11.	The Education Act, 1901.	Section seven. The whole Act.
1 Edw. 7. c. 22.	The Factory and Workshop Act, 1901.	Sections sixty-eight to seventy-two except as respects children lawfully employed in factories and workshops at the commencement of this Act and except as respects Scotland and Ireland.

Session and Chapter.	Short Title.	Extent of Repeal.
2 Edw. 7. c. 19.	The Education Act (1901) (Renewal) Act, 1902.	The whole Act.
2 Edw. 7 c. 42.	The Education Act, 1902	<p>In subsection (1) of section two from "Provided that the amount" to the end of the subsection. Subsection (5) of section seven from "and in any case" to the end of the subsection.</p> <p>Section ten.</p> <p>Section fourteen.</p> <p>Subsection (7) of section seventeen.</p> <p>Subsection (1) of section twenty-one.</p> <p>In subsection (2) thereof the words "or provisional order," in subsection (3) thereof the words "or any provisional order made for the purposes of such a scheme."</p> <p>Subsections (5) and (10) of section twenty-three.</p> <p>In the Third Schedule, paragraph (1), from "except as respects" to the end of the paragraph and paragraph (5).</p> <p>The whole Act.</p>
3 Edw. 7. c. 10.	The Education (Provision of Working Balances, Act, 1903.	The whole Act.
3 Edw. 7. c. 24.	The Education (London) Act, 1903.	In the First Schedule, paragraphs (2) and (7).
7 Edw. 7. c. 43.	The Education (Administrative Provisions) Act, 1907.	<p>Section four, without prejudice to the legality of anything retrospectively legalised thereby.</p> <p>In subsection (1) of section fourteen the words "or a ground of exemption for the purposes of section nine of the latter Act."</p>

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 29.	The Education (Administrative Provisions) Act, 1909.	Section three, without prejudice to the legality of anything retrospec- tively legalised thereby. The whole Act.
5 & 6 Geo. 5. c. 95.	The Education (Small Population Grants) Act, 1915.	
6 & 7 Geo. 5. c. 35.	The Elementary Education (Fee Grant) Act, 1916.	The whole Act.

## APPENDIX.

SUGGESTIONS FOR A CURRICULUM OF AN  
URBAN CONTINUATION SCHOOL.

The subjects of instruction in the new compulsory continuation classes will naturally be associated with the recognised "developments" of the adolescent period, viz. :—

- (a) Physical development.
- (b) The desire to "do" something (practical).
- (c) The awakening of the "social" sense.

Assuming that the hours for attendance at day continuation classes be fixed at 320 per annum and for 40 weeks in each year, then this 8 hours per week instruction could be arranged on the following plan :

<i>Group I.</i>	<i>1st year.</i>	<i>2nd year.</i>	<i>3rd year.</i>	<i>4th year.</i>
Physical Education .	2 hours	2 hours	2 hours	2 hours

<i>Group II.</i>				
Technical & Practical				
Education	.. 2 hours	3 hours	3 hours	3 hours

<i>Group III.</i>				
General Education .	4 hours	3 hours	3 hours	3 hours

In the first year an hour is taken off the purely vocational time and given to general education.



### 1. *Physical Education.*

The large amount of time given to this part of the scheme is explained by the great need for physical exercise for growing boys and girls who have just gone into industry. Each school should have on its staff a physical instructor, trained under medical supervision, who should take charge of this department. Ex-Army instructors may be available in many instances and will be capable of the work after a short special course of training. The physical education would consist of:—physical drill, dancing, swimming, and life saving, such organised games as were found to be practicable, *e.g.*, football, cricket, fives, tennis, and should also include talks on Health and Hygiene, and principles of First-aid. All this work should be closely linked up with outside societies and clubs.

### 2. *Practical Education.*

This part of the curriculum should have a “vocational bias” in the first two years and definite technical instruction in the last two years. It seems, therefore, that it will be necessary in this section to form occupational groups according to the principal instructions in which the boys and girls are engaged, *e.g.*, Commercial Group—Trades Group—Non-vocational Group.

In the “Trades” Group for the first two years the instruction would be confined to training in wood and metal and in the last two years to scientific and laboratory training.

With regard to the organisation and administration of this branch, it will no doubt be found

advisable to form Advisory Committees, consisting of representatives of the trades (both employers and workpeople) together with one or two members of the local authority, and in highly organised trades, such as engineering, the arrangements will no doubt be modified under their advice.

It will also be necessary to engage experts from the various businesses and trades as specialist teachers, and these should be required to undergo a short course of training in the practice of teaching.

### 3. *General Education.*

This should be the social and humanising part of the curriculum—that “something” which enables a healthy and efficient worker to enjoy his life whether he is at work or at play.

English, History, Civics, Music and Art, and perhaps a foreign language would be included, each interpreted in the broadest possible manner, *e.g.*, the “English” would include debates, plays, talks on books, and an attempt to awake a love of literature. The History would embrace a survey of European and American History particularly with emphasis on the modern period, stress being laid on the Social and Industrial History of England.

A complication will arise in connection with domestic subjects for girls. Where they have no trade, it will count as their vocational training, but where they are being trained, *e.g.*, for commerce, it will be necessary to provide the domestic instruction out of the time allotted to general education.

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